

month of February; legalizing the catching, taking, and using shad for bait in said waters; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

(THIRTIETH DAY)

(Monday, March 3, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Dwyer
Allen	Ellis
Allison	Eubank
Alsup	Evans
Avant	Favors
Bailey	Ferguson
Baker	Files
Bean	Fitzgerald
Benton	Fuchs
Blankenship	Gandy
Boone	Goodman
Brawner	Halsey
Bray	Hanna
Bridgers	Hargis
Brown	Harris of Dallas
Bruhl	Harris of Hill
Bullock	Hartzog
Bundy	Heflin
Burkett	Helpinstill
Burnaman	Henderson
Carlton	Hileman
Carrington	Hobbs
Cato	Howington
Celaya	Hoyo
Chambers	Huddleston
Clark	Huffman
Cleveland	Hughes
Coker	Humphrey
Colson, Mrs.	Hutchinson
Connelly	Isaacks
Craig	Jones
Crossley	Kelly
Crosthwait	Kennedy
Daniel	Kersey
Davis	Kinard
Deen	Klingeman
Dickson of Bexar	Knight
Donald	Lansberry
Dove	Lehman
Duckett	Leyendecker

Little	Price
Lock	Rampy
Love	Reed of Bowie
Lowry	Reed of Dallas
Lucas	Ridgeway
Lyle	Roark
McAlister	Roberts
McCann	Rhodes
McDonald	Sallas
McGlasson	Senterfitt
McLellan	Sharpe
McNamara	Simpson
Manford	Skiles
Manning	Smith of Bastrop
Markle	Spacek
Martin	Spangler
Matthews	Stanford
Mills	Stinson
Montgomery	Stubbs
Moore	Thornton
Morgan	Turner
Morris	Vale
Morse	Walters
Murray	Wattner
Nicholson	Weatherford
Pace	White
Parker	Whitesides
Pevehouse	Winfree
Phillips	

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, we rejoice this morning that we have been spared to come together again. We thank Thee for our health, and for the confidence of our people. May we use the opportunities of the day worthily, helpfully, and in accordance with Thy will. To that end be mindful of us and direct our minds and our activities into right channels, for Jesus' sake. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Shell for today on motion of Mr. Klingeman.

Mr. McMurry for today on motion of Mr. McCann.

Mr. Howard for today on motion of Mr. Stinson.

Mr. Anderson for today on motion of Mr. Dwyer.

Mr. Gilmer for today on motion of Mr. Turner.

Mr. Hardeman for today on motion of Mr. Heflin.

Mr. Dickson of Nolan for today on motion of Mr. Ridgeway.

Mr. King for today on motion of Mr. Cleveland.

Mr. Garland for today on motion of Mr. Huddleston.

Mr. Voigt for today on motion of Mr. Skiles.

Mr. Smith of Atascosa for today on motion of Mr. Roberts.

Mr. Taylor for today on account of military service on motion of Mr. Klingeman.

The following Member was granted leave of absence on account of illness:

Mr. Bell for today on motion of Mr. Morris.

HOUSE BILLS ON FIRST READING

The following House bills, introduced in the House on last Thursday, February 27, were today laid before the House, read first time and referred to the Appropriate Committees, as follows:

By Mr. Coker:

H. B. No. 633, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, providing that when the commissioners' court shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm, or corporation shall be paid on a pro rata basis from each fund benefiting by the receipt of any taxes derived from such valuation; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Reed of Bowie:

H. B. No. 634, A bill to be entitled "An Act amending and re-enacting Section 6, Article III, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature, as amended by Chapter 161, Acts of the Regular Session of the Forty-fifth Legislature; defining certain words, terms and phrases; imposing a tax on the amount paid for admission to any place with certain exceptions, and fixing the amount of the tax; providing that persons required to collect the tax shall file reports with and remit said tax to the Comptroller and describing information to be contained in said reports; authorizing the Comptroller to make collection from persons required to make reports and pay the tax collected at the time such admission fees are received by said persons; requiring every operator of a place where a fee is collected for admission to keep certain records open to the inspection of the Comptroller and the Attorney General for a period of two (2) years; exempting certain institutions, societies and organizations from the tax levied herein; prescribing the manner of printing admission tickets; prescribing civil penalties; providing that the State shall have a prior lien for delinquent taxes and penalties due which shall be recovered by suit filed by the Attorney General and providing said persons may be enjoined from operation; fixing venue for civil proceedings; making it a misdemeanor and prescribing penalties for violations of the Act; making it the duty of the Comptroller to supervise and enforce the collections of the tax; vesting the Comptroller with power to promulgate rules and regulations and appropriating funds for the enforcement of the Act; allocating the revenue derived from the Act; preserving taxes, penalties and interest accruing from any amended provisions set out in the Act before the effective date thereof; providing that if any portion of this Act is held invalid or unconstitutional such decision shall not affect the remaining portions of the Act; repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Gandy:

H. B. No. 635, A bill to be entitled "An Act to regulate or prohibit the operation of commercial motor vehicles with certain exceptions, during certain periods of time and providing a penalty for the violation thereof; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Lyle:

H. B. No. 636, A bill to be entitled "An Act to amend Articles 1931, 1932, 1933 and 1934 of the Revised Civil Statute of 1925, and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Lyle:

H. B. No. 637, A bill to be entitled "An Act to amend Section 3, Section 7 and Section 10 of Article 200a of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Celaya:

H. B. No. 638, A bill to be entitled "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding a new section to be known as Section 7.5, providing for the determination of the contribution rate of any employing unit which requires the organization, trade, or business, or assets thereof, of an employer; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Hardeman (by request):

H. B. No. 639, A bill to be entitled "An Act to amend Senate Bill No. 4, Chapter 107, Acts Regular Session, Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Turner, Mr. Favors, Mr. Craig, Mr. Evans, Mr. McMurry, Mr. Hobbs, Mr. McCann, Mr. Matthews, Mr. Pevehouse, Mr. Duckett, Mr. Manning, Mr. Davis, Mr. Reed of Bowie, Mr. Price, Mr. Knight, Mr. Huffman, Mr. White, Mr. Martin, Mr. Cato, Mr. Whitesides and Mr. Donald:

H. B. No. 640, A bill to be entitled "An Act to create a State Board of Agriculture and provide for the election and term of office of the members of said Board by convention; conferring upon said Board certain powers and duties; providing for an Executive Director of the State Board of Agriculture; conferring certain duties and powers on the Executive Director; transferring to the State Board of Agriculture the duties, physical properties and records of the following offices and departments: Land Commissioner; Game, Fish and Oyster Commission and the executive secretary of said Commission; Board of Water Engineers; Livestock Sanitary Commission of Texas; State Soil Conservation Board; State Agricultural Board; and transferring the duties conferred upon the Land Commissioner by S. B. No. 281, Chapter 1, of the Title "Water," Acts of the Forty-sixth Legislature, page 704, to the State Board of Agriculture; and abolishing the office of Land Commissioner; abolishing the Game, Fish and Oyster Commission; abolishing the Board of Water Engineers; abolishing the Livestock Sanitary Commission of Texas; abolishing the State Soil Conservation Board; abolishing the State Agriculture Board; authorizing the State Board of Agriculture to make rules and regulations concerning bag limits, possession, time of year and method of killing and catching game fish, birds and animals; providing a penalty for those who violate said rules and regulations and making it a misdemeanor for those convicted of such violation; repealing all laws fixing bag limits, open seasons for the taking or killing of game birds, game animals, and fish and the method of taking, killing or catching game birds, animals and fish and the possession of same; amending Article 904 of the Penal Code of 1925; and declaring an emergency,

and repealing all laws in conflict with this Act."

Referred to the Committee on State Affairs.

By Mr. Kelly, Mr. Favors, Mr. Cato and Mr. Reed of Bowie:

H. B. No. 641, A bill to be entitled "An Act authorizing the Texas Prison Board, through its General Manager, to bid upon contracts with the Board of Control of the State of Texas to supply the State with printing, binding, stationery and supplies of like character; providing that no bond shall be required to accompany said bid; and further providing that the Texas Prison Board, through its General Manager, may enter into such contract with the Board of Control without executing any bond; repealing all laws in conflict therewith; and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Kelly, Mr. Favors, Mr. Huffman and Mr. Cato and Mr. Reed of Bowie:

H. B. No. 642, A bill to be entitled "An Act requiring tax supported institutions and agencies of the State to buy from the prison system all needed goods that the prison system can supply at not less than competitive prices; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Kelly, Mr. Favors, Mr. Cato and Mr. Reed of Bowie:

H. B. No. 643, A bill to be entitled "An Act making it unlawful for convicts to mutilate themselves; defining the offense and prescribing penalties necessary and incident thereto; and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Kelly, Mr. Favors, Mr. Cato and Mr. Reed of Bowie:

H. B. No. 644, A bill to be entitled "An Act declaring that any prisoner who escapes from the Texas Penitentiary or from any of the prison farms of the Texas Prison System

shall be guilty of a felony; prescribing penalties necessary and incident thereto; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Favors, Mr. Cato and Mr. Reed of Bowie:

H. B. No. 645, A bill to be entitled "An Act to permit the use of convicts as guards in the Texas Prison System at the discretion of the Prison Board; and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Carrington (by request):

H. B. No. 646, A bill to be entitled "An Act amending Article 7089, Revised Civil Statutes of 1925, as amended by Acts of 1930, Forty-first Legislature, Fifth Called Session, page 220, Chapter 68, as amended by Acts of 1931, Forty-second Legislature, page 441, Chapter 265, relating to the filing of corporation franchise tax returns; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Thornton:

H. B. No. 647, A bill to be entitled "An Act governing the bill of exceptions in appeals to the Court of Criminal Appeals by dispensing with bills of exceptions to action on written motion; providing for the effective date of this Act; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Alsup:

H. B. No. 648, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred Thousand (\$200,000) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Avant and Mr. McCann:

H. B. No. 649, A bill to be entitled "An Act amending House Bill No. 804, Forty-fifth Legislature, Regular Session, approved May 1, 1937, making it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to possess, keep, or place in storage more than thirty game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or destruction of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act; all laws and parts of laws conflicting herewith are hereby repealed, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Avant and Mr. McCann:

H. B. No. 650, A bill to be entitled "An Act making it unlawful for any person to catch, take, or retain in one day, or have in his possession, more than fifteen bass, or more than fifteen crappie or white perch, or more than thirty in the aggregate of both bass and crappie or white perch, thirty game fish and thirty-six goggle-eye and bream totaling sixty-six, in Harrison or Marion County, Texas; defining guides, and making it unlawful for guides to catch, take, or retain, or have in their possession, any bass or crappie or white perch in either Harrison or Marion County, Texas; providing penalties for violation thereof; all laws and parts of laws conflicting herewith are hereby repealed, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Montgomery:

H. B. No. 651, A bill to be entitled "An Act amending Section 3 of Article 5221-C, Title 83, of the Re-

vised Civil Statutes of the State of Texas, exempting certain boilers within the city limits of cities having a population of 384,000, or over, from inspection, inspection fees, etc., and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Alsup:

H. B. No. 652, A bill to be entitled "An Act empowering the Commissioners Court to fix the salary of county officers in counties having a population of not less than twenty-one thousand, nine hundred and eighty-five (21,985) and not more than twenty-three thousand and fifteen (23,015), according to the last preceding Federal Census; repealing all laws and parts of laws in conflict; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Lowry and Mr. Thornton:

H. B. No. 653, A bill to be entitled "An Act providing for the 'registration of lobbyists'; defining the term 'lobbyist'; and defining the term 'lobbying'; providing that every corporation, company, association, partnership, or individual who shall employ any person or group of persons as lobbyists shall, within ten days after so employing or agreeing to employ such lobbyists, cause the names of such lobbyists to be entered on a registration docket; providing for the filing of an affidavit in triplicate, by such employer of a lobbyist or such employed lobbyist, giving certain information as to the names and addresses of such employers of lobbyists and such employed lobbyists, the interests represented and the compensation paid or to be received by such lobbyists and the expenses allowed them, and providing that such affidavits shall be filed so as to be accessible to Members of the Legislature; providing that the Attorney General shall prepare and keep a registration docket for the purpose of entering all such and other information concerning the employment of such lobbyists, the employer of such lobbyists, and declaring that such registration docket shall be a public

record, and granting the Attorney General the right to require additional information other than that set out; providing that no person or group of persons shall engage in, or be employed to engage in, lobbying without first being registered in such docket; providing for the filing and form of a notarized statement of expenses of lobbying and declaring such statements shall be open to public inspection; declaring it to be the duty of the Attorney General to receive and record all complaints of the violation of this Act, to conduct an investigation of violations, and to submit a report of such to the Legislature, and providing for the publication of such report; providing exemptions from the Act; providing that all required affidavits, statements and reports be made under oath; providing punishment as a misdemeanor for violation of this Act; providing punishment as perjury for false statement in affidavits, reports and statements required by this Act; providing a beginning, and future, registration dates; providing a safety clause; and repeal of conflicting laws; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Lowry:

H. B. No. 654, A bill to be entitled "An Act to amend Article 2350c of Chapter 9, Title 44 of the Revised Statutes of Texas of 1925, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98 of the General Laws, Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 184 of the General Laws, Regular Session of the Thirty-eighth Legislature, being an Act to change the designated year upon which is based on population and the assessed valuations of taxable properties affected by the Act to be amended, and relating to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Donald:

H. B. No. 655, A bill to be entitled "An Act to provide for the selection of juries and drawing venires in counties having a population of not less than twenty thousand four hundred and forty-two (20,442) and not more than twenty thousand four hundred and fifty (20,450), according to the last Federal Census; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Donald:

H. B. No. 656, A bill to be entitled "An Act to amend Section 10, Article 8306, of the Revised Civil Statutes of 1925; and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. McLellan:

H. B. No. 657, A bill to be entitled "An Act levying an occupation tax upon the producers engaged in producing, and/or severing, or extracting, salt from the earth and/or waters; and providing for the time and manner of collection thereof; providing for the adoption of rules and regulations, and generally for the enforcement hereof; prescribing offenses, fines, penalties and punishment; providing for the making of reports and keeping of records; allocating receipts of this Act to certain funds; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Hargis, Mr. Lock, Mr. Manning, Mr. Sallas, Mr. Coker and Mr. Burnaman:

H. B. No. 658, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Jasper, Sabine, San Augustine, Shelby, Houston, Tyler, Angelina, and Walker Counties, made necessary by reason of the fact that the Government has purchased in said counties large acreages, reducing the taxable values of such counties; donated and granting to said counties certain State ad valorem taxes; providing duties of the Tax

Assessor and Collector in such counties relative to the same; providing for a Board of Equalization to carry out the provisions of this Act, and to fix valuation on such lands based upon similar adjoining lands; providing for reports of Assessor and Collector of Taxes in such counties; providing duties of State Comptroller relative thereto; providing that, when Federal Government reimburses said counties, this Act shall become inoperative; providing saving clause; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bruhl (by request):

H. B. No. 659, A bill to be entitled "An Act to amend Section 2 of Chapter 501, page 1346, of the Acts of the Regular Session of the Forty-fifth Legislature, and making it unlawful for any dentist to obtain business in connection with the practice of dentistry by employing 'cappers' or 'steerers'; making it unlawful to do certain other things prohibited in this Act in connection with the practice of dentistry even though fraud is not used in connection therewith; and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Sallas:

H. B. No. 660, A bill to be entitled "An Act abolishing fixed terms of office for State officers appointed by the Governor, except in those instances where the term of office is prescribed by the Constitution, and providing that State officers heretofore or hereafter appointed by the Governor shall hold their offices during the pleasure of the Governor; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Donald:

H. B. No. 661, A bill to be entitled "An Act to amend Section 5, Article 8307, Title 130, Revised Civil Statutes of Texas of 1925, as amended by Acts of the Fortieth Legislature, Chapter 223, and as further amended by Acts of the Forty-second Leg-

islature, Chapter 224, commonly known and referred to as the Workmen's Compensation Act, by providing that any interested party who is not willing and does not consent to abide by the final ruling and decision of the Industrial Accident Board, shall, within twenty (20) days after the rendition of the final ruling and decision by said Board, file with said Board notice that he will not abide by said final ruling and decision, and that he shall within twenty (20) days after giving such notice bring suit in the county where the injury occurred or in the county of said claimant's residence; and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Senterfitt:

H. B. No. 662, A bill to be entitled "An Act making an appropriation for the purpose of erecting a monument at the grave of Sion R. Bostick; providing for the right of private donation to participate in the expense; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Celaya:

H. B. No. 663, A bill to be entitled "An Act to amend an Act for the promotion, protection and development of the Commercial Potato Growing Industry of Texas, same being Senate Bill No. 158 of the Acts of the Second Called Session of the Forty-first Legislature, and being Article 117A of Title 4, Chapter 6, Vernon's Annotated Statutes of Texas, 1925, by amending Section 3 of said Act to make the provisions thereof applicable to 'commercial quantities' of potatoes and defining the term 'commercial quantities' as used therein; and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Benton, Mr. Evans and Mr. Murray:

H. B. No. 664, A bill to be entitled "An Act amending Article 7047, Revised Civil Statutes of Texas, 1925, as amended by H. B. No. 251

of the Regular Session of the 42nd Legislature, Chapter 212, as amended by Section 6 of Article 4, House Bill No. 8, 3rd Called Session, 44th Legislature, Chapter 495, so as to amend Section 40a thereof to provide for an increase in the tax on sulphur to Two Dollars and Fifty Cents (\$2.50) per long ton, or fraction thereof; and amending Section 3, Chapter 73, Acts of the 42nd Legislature, Regular Session, as amended by Section 8, Article IV, Chapter 495, Acts of the 3rd Called Session, 44th Legislature, to provide for an increase in the tax on natural gas to four per cent of the market value of the total amount of gas produced and saved within this State, or sold, if imported into this State; and amending Section 2, Chapter 162, Acts of the 43rd Legislature, Regular Session, as amended in Section 1, Chapter 12, Acts of the 1st Called Session, 43rd Legislature, and as amended in Section 4, Article IV, Chapter 495, Acts of the Third Called Session, 44th Legislature, to increase the occupation tax on the production of oil to five cents (5¢) per barrel; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Donald:

H. B. No. 665, A bill to be entitled "An Act providing for the voluntary rendition of all property, personal, real and mixed, situated in the State of Texas, by the owner, on or before the first day of June, 1941, and annually thereafter, for taxes, and providing for assessments to be made by taxing authority where owner fails to make rendition; and providing for a charge for making assessment and making such charge a lien against the property, to be collected as other taxes; making violation of Act an offense and providing penalty, and repealing all laws in conflict; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Dickson of Bexar (by request):

H. B. No. 666, A bill to be entitled "An Act repealing Section 3 of Chap-

ter 24, Acts of the First Called Session of the 45th Legislature, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Huddleston:

H. B. No. 667, A bill to be entitled "An act providing for the transfer of tax judgment liens held by the State, county or defined subdivisions thereof, to any person who, at the request of the land owner pays such tax judgment; providing by whom and under what conditions such transfer may be made; providing for the recording of such transfer and for the foreclosure of such liens and for the sale and disposition of the proceeds; providing that this Act shall not abridge the right of the taxpayer to enter into contract with lien holders for the payment of taxes; providing that if any provision of this Act is declared invalid or unconstitutional, it shall not affect any other provision of the Act; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Hargis and Mr. Manning:

H. B. No. 668, A bill to be entitled "An Act amending Article 7060, Revised Civil Statutes of Texas, 1925, providing for an increase of the Occupation Tax of said gross receipts charged gas, electric light, power or waterworks companies doing business in the State of Texas; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Hargis and Mr. Manning:

H. B. No. 669, A bill to be entitled "An Act amending Article 7070, Revised Civil Statutes of Texas, 1925, raising the occupation tax on telephone companies according as the tax is on their gross receipts; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Thornton:

H. B. No. 670, A bill to be entitled "An Act to establish and maintain an Agricultural Experiment Station for the development of dairy, poultry and truck crops in the Thirty-fifth District of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said Board of Directors to establish and maintain the same; to accept donations of land, water and money for establishing said station and for the operation of same; and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Spacek:

H. B. No. 671, A bill to be entitled "An Act amending Article 118c-1, Section 3, Revised Civil Statutes of Texas, 1925, such that trucks hauling tomatoes or transporting same are hereby specifically excluded from the terms and provisions of this Act, and no inspection or certification thereof shall be required repealing all laws in conflict therewith; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Manning, Mr. Duckett and Mr. Hargis:

H. B. No. 672, A bill to be entitled "An Act amending Article 2654-c, Revised Civil Statutes of Texas, 1925, reducing the tuition rates in State institutions of collegiate rank; prescribing a minimum fee of admission for nonresident students; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Education.

By Mr. McDonald:

H. B. No. 673, A bill to be entitled "An Act making an appropriation for the establishment of a training school for dependent or delinquent negro girls for the biennium beginning September 1, 1941, and ending August 31, 1943; authorizing the State Board of Control to accept

gifts, donations, and contributions and title to a site for said school, vesting the authority in the State Board of Control to designate and locate a place for the establishment of said school, providing that said school is located in that portion of Texas lying east of the Colorado River; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; declaring the invalidity of any portion of this Act shall not effect any other portion; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. McDonald:

H. B. No. 674, A bill to be entitled "An Act making it unlawful to take any wild fox in the County of Brazos for the purpose of sale; prescribing certain exceptions thereto; repealing all laws or parts of laws in conflict with the provisions of this Act; prescribing the penalties for the violation of this Act and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. McDonald:

H. B. No. 675, A bill to be entitled "An Act creating a Veterinary Science Board with powers and authority to issue, cancel and suspend licenses and permits regulating the practice of veterinary science in the State of Texas, and defining the same; to regulate and supervise the manufacture, labeling, sale and distribution of all biological and pharmaceutical products, and defining the same, used in the treatment of domestic animals; to supervise and enforce the practice of veterinary science in this State and to administer and enforce the provisions of this Act and regulations promulgated thereunder; and establishing and creating as a part thereof a Veterinary Medical Examining Board for the examination of applicants desiring to practice veterinary science in this State, with authority to issue licenses to those successfully passing the examinations; providing for the licensing of veterinarians duly licensed at the time this Act becomes effective; providing for the estab-

lishment of the procedure of such Boards in the administration of this Act; providing penalties for the violation of provisions of this Act; providing for funds to be derived from issuance of permits and licenses for the operation and administration of this Act, and directing that the same be disbursed by the Comptroller of the State of Texas; providing for the liberal construction of this Act and that if any section be declared invalid, the remaining parts shall not be affected thereby; providing for the repeal of Title 127, Articles 7448, 7449, 7450, 7451, 7452, 7453, 7454, 7455, 7456, 7457, 7458, 7459, 7460, 7461, 7462, 7463, 7464, and 7465, of the Revised Civil Statutes of Texas of 1925, insofar as they conflict with the provisions of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Alsup:

H. B. No. 676, A bill to be entitled "An Act to amend Article 3116 of the Revised Civil Statutes of 1925, as amended by Chapter 54, General and Special Laws, Fortieth Legislature, Regular Session, 1927, to fix maximum charges to be paid by candidates for State Senator or State Representative, or Chief Justice, or Associate Justice of a Court of Civil Appeals, or for Representative in Congress, or for District Judge, or District Attorney, or for any other district office upon application to have name placed on primary ballot; excepting certain laws from application hereof, and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Clark:

H. B. No. 677, A bill to be entitled "An Act granting aid to certain school districts in Palo Pinto County and Stephens County, Texas, made necessary by the inundation of taxable land by the damming of the Brazos River with the Possum Kingdom Dam in Palo Pinto County limiting the number of years for said grant for said school districts; granting and donating for a period of years to said school districts of the State ad valorem taxes levied and

collected on property in said counties in accordance with taxes lost through inundation of taxable property; enacting all things incidental to said subject and purpose; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Alsup and Mr. Donald:

H. B. No. 678, A bill to be entitled "An Act requiring the Comptroller of Public Accounts to collect all State Occupation Taxes; repealing all laws in conflict therewith."

Referred to the Committee on State Affairs.

By Mr. Alsup:

H. B. No. 679, A bill to be entitled "An Act amending Article 4364 of the Revised Civil Statutes of 1925 of this State, as amended by House Bill No. 495, Chapter 243, Acts of the Regular Session of the Forty-second Legislature, relating to the system of bookkeeping, ledgers, and accounts as may be necessary to show the sources of the State's revenues and the purposes for which expenditures are made, and providing for a proper accounting control for the protection of the finances of the State, and establishing a uniform system of record-keeping on an encumbrance or allotment basis, and requiring all State departments, commissions, boards, divisions, institutions, agencies, and other units of the State Government to furnish such information as may be necessary to maintain appropriations on an encumbrance and/or allotment basis, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Celaya:

H. B. No. 680, A bill to be entitled "An Act amending Section 1 of Chapter 187, S. B. No. 532, of the General Laws of the Regular Session of the 43rd Legislature so as to authorize and empower the Texas State Parks Board to acquire State Park sites by purchase, gift or otherwise, and to improve, beautify and equip, and to contract with any person, firm or corporation for the improvement, beautification or equip-

ment of the State Parks to such an extent as to said Board may be deemed advisable; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Celaya:

H. B. No. 681, A bill to be entitled "An Act Conferring upon any conservation district created by or under the authority of the laws of this State the power and authority to contract with the Texas State Parks Board, and authorizing and empowering the Texas State Parks Board to contract with any said conservation district for the establishment of a public park within the confines of said conservation district; and authorizing and empowering any conservation district to lease or give any lands and other property of the said district to the said Texas State Parks Board for a public park; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Celaya:

H. B. No. 682, A bill to be entitled "An Act providing that it shall be unlawful for any person to take, catch, ensnare or trap any fish by any means whatsoever in any waters of any public park under the control of the Texas State Parks Board, without the consent of the keeper, caretaker or superintendent of said park; providing a penalty, and authorizing any peace officer to arrest without warrant for a violation of any provision of this Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Celaya:

H. B. No. 683, A bill to be entitled "An Act Providing that it shall be unlawful for any person to kill, wound, shoot at, hurt or molest any wild animals, wild birds, or wild fowl found within the bounds of any public park under the control of the Texas State Parks Board, at any season of the year, providing a penalty; and authorizing any peace officer to arrest without warrant for a viola-

tion of any provision of this Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Celaya:

H. B. No. 684, A bill to be entitled "An Act providing that it shall be unlawful for any person to operate or drive a motor or other vehicle upon any road in any public park under the control of the Texas State Parks Board at a rate of speed in excess of twenty miles per hour, providing a penalty and authorizing any peace officer to arrest without warrant for a violation of any provision of this Act; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Celaya:

H. B. No. 685, A bill to be entitled "An Act providing that it shall be unlawful for any person to bring into, sell or consume any alcoholic beverage within the confines or limits of any public park under the control of the Texas State Parks Board; providing a penalty; and authorizing any peace officer to arrest without warrant for a violation of any provision of this Act; and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Celaya:

H. B. No. 686, A bill to be entitled "An Act amending Section 1 of Chapter 168, S. B. No. 203, of the General Laws of the Regular Session of the 42nd Legislature so as to authorize the State Parks Board to operate or grant concessions in State Parks and to operate concessions or make concession contracts for any causeway, beach drive or other improvements in connection with State Park sites; and providing that the revenue thus earned shall when collected be placed in the State Treasury; and authorizing the said Board to make such rules and regulations for the carrying out of this Act and the Laws of this State relative to State Parks, as it may deem necessary not in conflict with law; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hargis:

H. B. No. 687, A bill to be entitled "An Act amending Article 7047, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 251, of the Regular Session of the 42nd Legislature, Chapter 212, as amended by Section 6 of Article 4 of House Bill No. 8, Third Called Session of the 44th Legislature, Chapter 495, so as to amend Section 40a thereof to provide for an increase in the tax on sulphur to \$5.00 per long ton, or fraction thereof; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Manning:

H. B. No. 688, A bill to be entitled "An Act taxing all poultry, chickens, turkeys, etc., of the State, that are stuffed or killed and prepared for public consumption; same must be shipped from the place of preparation. Further, requiring that either there be stamped on each and every above item the date of preparing same for public use, either by stamping same or placing metal tags on each item, giving date of preparation for public use in plain writing."

Referred to the Committee on Revenue and Taxation.

By Mr. Hargis:

H. B. No. 689, A bill to be entitled "An Act amending House Bill No. 920 of the General and Special Laws of the Forty-third Regular Session of the Legislature making it lawful to take fur bearing animals by trap in San Augustine and Sabine Counties."

Referred to the Committee on Game and Fisheries.

By Mr. McDonald:

H. B. No. 690, A bill to be entitled "An Act to amend Article 199, Revised Civil Statutes of the State of Texas, 1925, apportioning the State into Judicial Districts; and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Knight:

H. B. No. 691, A bill to be entitled "An Act to amend an Act passed by the Thirty-fourth Legislature, convened at the City of Austin, on January 12, 1915, and adjourned March 20, 1915, creating McAllen Independent School District, same being House Bill No. 677, Chapter 82, of the General and Special Laws of said Legislature, so that Section 3 be amended so as to provide for the appointment as Trustees, resident citizens and qualified voters in said District, each of whom shall be an owner of real property in said District; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Daniel:

H. B. No. 692, A bill to be entitled "An Act amending Chapter I of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; providing that no person who has been elected or appointed to an executive or administrative public office in the State of Texas for a term of more than two years shall be eligible to run for nomination or election to any other public office the term of which would begin before the expiration of the term of the original office to which such person was elected or appointed, without first resigning from such original office; providing that no election official shall place the name of such ineligible person on the ballot for any election or certify his name as a candidate or nominee; and providing for enforcement of such law by injunction proceedings and other remedies provided in the laws of Texas concerning ineligible candidates; defining the term 'executive or administrative public office' to mean all public offices except the Legislative and Judicial offices of Members of the Legislature and Judges of the Courts of Texas."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Daniel:

H. B. No. 693, A bill to be entitled "An Act amending Chapter I, Title 116, of the Revised Civil Statutes of

Texas, Article 6674q-7, by adding to the last sentence of the last paragraph in Section (a) of Article 6674q-7 enacted by the Forty-sixth Legislature so as to clarify the provisions of the Article contained in said paragraph by adding the words: "The last mentioned bonds shall be eligible as of the date of the designation of said road as a part of the State System"; so as to clearly express the intention of said statute that such bonds shall be eligible for participation under such Act only as of the date, and beginning from the date of the designation of said road as a part of the State System; declaring an emergency and providing for enactment upon passage."

Referred to the Committee on Counties.

By Mr. Manford and Mr. Daniel:

H. B. No. 694, A bill to be entitled "An Act amending Chapter III of Title 122 of the Revised Civil Statutes of 1925, as amended by the Acts of 1927, Fortieth Legislature, Page 294, Chapter 208, as amended by the Acts of 1930, Forty-first Legislature, Fifth Called Session, Page 220, Chapter 68, Section 2, as amended by the Acts of 1931, Forty-second Legislature, Page 441, Chapter 265, Section 1, providing for the levy, computation, collection, and administration of certain franchise taxes on every domestic and foreign corporation heretofore or hereafter chartered or authorized to do business in Texas, and defining terms, providing for reports of corporations; repealing all laws or parts of laws in conflict herewith; providing that the unconstitutionality of any part hereof shall not affect the validity of any other parts of this Act; declaring an emergency and providing for enactment upon passage."

Referred to the Committee on Revenue and Taxation.

By Mr. Harris of Dallas:

H. B. No. 695, A bill to be entitled "An Act amending Subdivision (e), Subsection (3), Section 17, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, Article II,

Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature and S. B. No. 20, Acts of the First Called Session of the Forty-fifth Legislature; and by further amending said Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended, by the addition of a new section designated as Section 17 (b), prohibiting the extension of credit terms and further regulating the sale of alcoholic beverages in Texas; and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Donald:

H. B. No. 696, A bill to be entitled "An Act creating and establishing what shall be known as an 'escheat fund' in the office of the Treasurer of the State of Texas; withdrawing from certain officers, persons, firms and corporations the power to retain or hold in their possession any unclaimed funds or money for longer than a certain period of time designated herein; providing that such funds shall on certain dates, periodically be reported to the State Treasurer, providing the manner of making such report and for the payment of all unclaimed monies so reported to the State Treasurer to be deposited in the 'escheat fund'; providing for the method of handling such funds by the State Treasurer, for the bringing of suits by claimants to determine the ownership of any such funds; providing for the investment of seventy-five percent (75%) of such funds by the State Depository Board, and the manner of such investment; providing certain duties for the attorney general and district and county attorneys acting for him in suits brought by claimants; providing penalties for any violation of this law; providing that if any part of this law should be declared unconstitutional, it shall not affect the remainder or other portions of the law; expressly repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Donald:

H. B. No. 697, A bill to be entitled "An Act to provide for and require annual reports to the Banking Commission of Texas, and publication of same, by banks of either deposit or discount, banks both of deposit and discount, banks and trust companies, saving banks, and Morris Plan banks, having their domicile and place of business in this State, of certain monies held by same and unclaimed for a period of five years, and providing a penalty for failure to make such reports and publication; and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Knight:

H. B. No. 698, A bill to be entitled "An Act imposing and levying a tax on each bottle of liquor sold on prescription or for medicinal purposes; imposing and levying a tax on all tobaccos, except cigarettes; providing that such tax in each instance shall be in addition to such other tax as may now be in force on like articles; providing that evidence of the payment of such tax shall be evidenced by stamps affixed to the article so taxed; specifying design or wording to be placed on such stamps; requiring the State Treasurer to have printed, to sell and to keep records of such purchases and sales; providing for the allocation of funds derived from the sale of said stamps; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Isaacks:

H. B. No. 699, A bill to be entitled "An Act to appropriate two hundred thousand (\$200,000.00) dollars to reimburse the growers and producers of cotton for expenses incurred during the years from 1933 through 1938 by reason of the establishment by the State of Texas by regulations requiring such growers and producers of cotton to pay for fumigation of cotton and sterilization of seed, all of which was done to prevent the spread of the pink boll weevil; and to pay the expenses of the Compensation Claim Board in carrying out the provisions of this

Act; providing that no such claim shall be paid unless same has been allowed by the Compensation Claim Board, or by final judgment as provided for in Chapter 3, Title 4, Revised Civil Statutes of 1925, and as provided for in Chapter 42, Acts of the Regular Session, 41st Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Hardeman:

H. B. No. 700, A bill to be entitled "An Act prescribing limitation laws applicable to set-offs, counterclaims, cross-claims, cross-actions and pleas in reconvention, repealing conflicting laws, and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Stinson and Mr. Harris of Dallas:

H. B. No. 701, A bill to be entitled "An Act providing for the establishing, operating and maintaining within this State of nonprofit medical and surgical care plans on a regular, periodic prepayment basis; providing for the creation and operation of nonprofit corporations for the execution and administration thereof and for the powers, conduct and operation of such corporations; providing for supreme and governing corporations and for subordinate branches thereof to operate under the direction and control of such supreme or governing corporations; providing that corporations chartered hereunder shall be governed by this Act and that no law hereafter enacted shall apply to them unless they be specially designated therein; providing that medical and surgical service plans shall be void in certain contingencies and that all such plans shall be void unless operated under the provisions of this Act; providing that no officer or trustee of any such corporation, or subordinate branch, shall receive any wages, commission or other compensation; providing that corporations created hereunder shall be charitable and benevolent corporations and exempt from taxes under the laws of this State or any political subdivision thereof; providing that all incorporators, members, trustees and officers of any such

corporation, or any subordinate branch thereof, shall be graduate Doctors of Medicine duly licensed to practice medicine in Texas and prescribing their other qualifications; providing for the amendment of Article 1302, Title 32, Revised Civil Statutes, 1925, by adding thereto a new subdivision providing for the incorporation of corporations hereunder; providing that the unconstitutionality of a part of this Act shall not affect the validity of the remainder thereof; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Pevehouse:

H. B. No. 702, A bill to be entitled "An Act to exempt busses owned and operated by churches from the payment of registration fees; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Rhodes (by request):

H. B. No. 703, A bill to be entitled "An Act creating the office of County Purchasing Agent in all counties in this State, having a population of more than 90,000 inhabitants and less than 200,000 inhabitants, as shown by the latest United States census, and any future census, providing for the appointment of such agent, prescribing his duties and fixing his compensation, prescribing the procedure for bids, prescribing a penalty for the violation of this Act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hoyo:

H. B. No. 704, A bill to be entitled "An Act regulating Beauty Schools, Beauty Shops, Hairdressers, Cosmetologists, Manicurists and Beauty School Instructors and defining each; creating a Department of Cosmetology and a Commissioner of Cosmetology, establishing rules for making appointments; changing the title and duties of the State Board of

Hairdressers and Cosmetologists; establishing rules for administration of the Department and defining duties of the Commissioner and the Board Members; providing rules for application and issuance of licenses; naming the Custodian of funds and prescribing rules for disbursements; providing that ten (10) percent of all funds be deposited in the General fund of Texas and the balance to be used for the operation and maintenance of the Department of Cosmetology; establishing salaries and wages; establishing a set of general rules and regulations of sanitation and sterilization; providing authority for inspections, establishing penalties and providing for appeals; defining exceptions, providing for unconstitutional declarations, repealing previous laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Evans:

H. B. No. 705, A bill to be entitled "An Act requiring every elective city, county, and State official to file with the Attorney General an annual report setting forth a list of his assets and liabilities; providing that this report shall be filed annually for the two succeeding years following the official's term of office; providing for penalty, and supervision and enforcement; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Deen:

H. B. No. 706, A bill to be entitled "An Act levying tax upon purchasers and/or consumers of alcoholic beverages in this State; levying a tax of ten percent (10%) on purchaser and/or consumer on each sale thereof; providing the manner of collection of said tax, fixing penalties for failure of dispenser to collect tax and pay the State the taxes due thereon; defining the powers and duties of the Texas Liquor Control Board with respect to the collection of said tax; fixing penalties and defining same, allocating fees and revenues derived from said tax to the Social Security Program of Texas; amending the Texas Liquor

Control Act by adding thereto a new section; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

Mr. Manning asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 707.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Manning:

H. B. No. 707, A bill to be entitled "An Act providing that all counties having a population of not less than 29,225, or not more than 29,240, according to the last preceding or any future U. S. Federal Census, such counties shall have for the purpose of releasing the interest and penalties on all delinquent ad valorem taxes, State ad valorem taxes, county ad valorem taxes, road and school taxes and poll taxes that were delinquent on or before July 1, 1940, due the State, any county, common school district, road district, levee improvement district, water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before November 1, 1944; and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages and special school districts and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem taxes, State ad valorem taxes, county ad valorem taxes, road and school taxes and poll taxes has occurred, and that an extension of time for the payment of said ad valorem taxes, State ad valorem taxes, county ad valorem taxes, road and school taxes and poll taxes will accelerate the payment thereof, and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such findings of fact shall have the authority to put in force and effect

the provisions hereof as to any such city, town or village or special school district or independent school district, providing for the release of costs under certain circumstances; providing that anyone desiring to pay at one time delinquent taxes of any one tax unit, for any one year on the same property may so pay without paying other delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing that if any section, clause, sentence, paragraph or part of the Act be judged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Act; stating the policy of the Legislature; and declaring an emergency."

Referred to the Committee on Counties.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced in the House on last Thursday, February 27, were today laid before the House, read first time and referred to appropriate committees, as follows:

By Mr. Hughes, Mr. Henderson, Mr. Hardeman and Mr. Alsup:

H. J. R. No. 30, Proposing an amendment to Section 61 of Article XVI of the Constitution of the State of Texas so as to provide for the compensation of district, county and precinct officers on a fee basis.

Referred to the Committee on Constitutional Amendments.

By Mr. Brawner, Mr. Connelly and Mr. Garland:

H. J. R. No. 31, Proposing an amendment to Article 8 of the Constitution of the State of Texas, to be known as Section 9a of Article 8 of the Constitution, authorizing a graduated land tax upon land owned in excess of six hundred and forty (640) acres, the proceeds of which to be used for the improvement of farm to market roads.

Referred to the Committee on Constitutional Amendments.

By Mr. Lucas, Mr. Alsup, Mr. Donald, Mr. Burkett and Mr. Evans:

H. J. R. No. 32, Proposing an amendment to Article III of the Constitution of the State of Texas by adding a new section to be known as Section 56-a, granting the Legislature power to pass local laws by population brackets regulating the affairs of counties, cities, towns, school districts, and other political subdivisions, such laws to become effective if ratified within ninety (90) days after passage; providing the date for an election; providing the form and substance of ballots; providing for issuance of proclamation and publication; and making an appropriation to pay expenses of the publication and election.

Referred to the Committee on Constitutional Amendments.

By Mr. Evans and Mr. Benton:

H. J. R. No. 33, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas, providing that Members of the Legislature shall receive a salary of Ten Dollars (\$10.00) per day, shall be subject to call at any time and shall be entitled to mileage at five cents (5¢) a mile for each mile traveled coming to and going from the seat of Government; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication therefor and prescribing the form of ballot.

Referred to the Committee on Constitutional Amendments.

MESSAGE FROM THE SENATE

Austin, Texas, March 3, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 69, A bill to be entitled "An Act to amend Section 5, Chapter 136, Acts of the Regular Session of the Thirty-ninth Legislature, providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty (50)

acre-feet of water for domestic and livestock purposes without securing a permit therefor; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act validating certain county line independent school districts; providing for the continuance in office of the board of trustees of such county line independent school districts as same existed immediately prior to increasing the area of such districts, etc.; and declaring an emergency."

H. B. No. 394, A bill to be entitled "An Act to repeal Chapter 71, House Bill No. 84, Acts of the Regular Session of the Forty-sixth Legislature, prohibiting the use of seines, nets, or other devices for catching fish or shrimp, etc.; and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

COMMENDING RADIO BROADCASTS OF TEXAS PRISON SYSTEM

Mr. Kelly offered the following resolution:

H. S. R. No. 136, Commending Radio Broadcasts of Texas Prison System.

Whereas, On March 19, 1941, the Texas Prison System will be celebrating its third anniversary of radio broadcasts at its Central Unit at Huntsville, Texas; and

Whereas, The Unit has presented time after time educational programs for the benefit of the citizens of Texas;

Therefore, be it resolved by the House of Representatives of the 47th Legislature, That congratulations be extended by this House to the Texas Prison System on its anniversary of prison broadcasts for the excellently and educationally prepared programs, and extend our sincere hopes that the System be given a full hour's time to present its anniversary program on March 19, 1941.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant,

Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crowthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Evans, Ellis, Eubank, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurphy, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampsy, Reed of Bowie, Reed of Dallas, Ridgeway, Roark, Roberts, Rhodes, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Carrington, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

RELATIVE TO HOUSE BILL NO. 51

On motion of Mr. Blankenship, and by unanimous consent of the House, the caption of House Bill No. 51 was ordered amended to conform to all changes and with the body of the bill.

COMMENDING PROGRAM AT OLD WASHINGTON-ON-THE- BRAZOS

Mr. Nicholson offered the following resolution:

H. S. R. No. 137, Commending Program at Old Washington-on-the-Brazos, Held March 2nd.

Whereas, On March 2, 1941, on the Sabbath Day, at Old Washington-on-the-Brazos, a solemn inspiring program was held commemorating the signing of Texas Declaration of Independence one hundred and five years ago; and

Whereas, Arrangements for the occasion were under the auspices of the Buddy Wright Post No. 48, American Legion, and auxiliary of Brenham, Texas; and

Whereas, Many noble Americans, include the fine citizens of Washington County; Reverend W. G. Gilks, National Chaplain, American Legion, and Brigadier, Salvation Army; former Governor James V. Allred, Governor W. Lee O'Daniel; and distinguished others, gave inspiring addresses honoring the memory of those fifty-nine signers of Texas Declaration of Independence; and

Whereas, Old Washington-on-the-Brazos was purchased by the State of Texas on March 2, 1916, just eighty (80) years after Texas Independence, by a distinguished committee of State officials; and

Whereas, In the heart of a noble man burned intensely the love of his State and his county, and because of his untiring efforts to preserve this ground where a Nation was born, this purpose was accomplished, and there is erected by the State of Texas a monument bearing his name last and stating that he was a Member of the lower House, and since this noble man has departed this life and redeemed God's promises, and since this man, the Honorable Sam D. W. Low, was for many years a Representative of his people from Washington County, as well as serving in other capacities of State Government, and rendered untiring service; and

Whereas, The people of Washington County for many years have been sending a God-fearing noble man to serve as their Representative in this House of Representatives, who is highly respected and whose word is his bond, and whose name is the Honorable Robert Fuchs

of Brenham, and who is a tiller of the soil, as well as Representative of his people; now

Therefore, be it resolved, That the House of Representatives of the Forty-seventh Legislature extend our appreciation to the Buddy Wright Post No. 48 of the American Legion and Auxiliary, Brenham, Texas, and to the splendid citizens of Washington County, for their hospitality and for preserving the shrine of the birth of our State, and the noble Representatives above mentioned who did serve so ably for many years and for the one now serving, and that the Chief Clerk of the House send a copy of this resolution to the American Legion and Auxiliary of Brenham, to the family of Honorable Sam D. W. Low, and to the wife and family of our beloved Member, Robert Fuchs, of Washington County.

The resolution was read second time and was adopted.

RELATIVE TO PRINCIPLES OF DECLARATION OF INDEPENDENCE

Mr. Deen offered the following resolution:

H. S. R. No. 138, Relative to Principles of Declaration of Independence.

Whereas, at Old Washington on the Brazos, during the first days of March, 1836, there assembled together a group of fifty-nine noble men for the purpose of formulating the Declaration of Independence, and

Whereas, During that trying period of carving a new nation amidst reports of the fall of their forts and loss of revered companions who sacrificed their lives for this glorious inheritance of Texas in which we today reside, and

Whereas, In formulating the principles of our Declaration of Independence, the grave question arose and much debate was had on the prohibition of permitting preachers from holding public office in the Republic, and

Whereas, There arose a quiet, gentle man who was God-fearing and a true worshiper of the one God of us all, whose name was Sidney Oswald Pennington, who spoke in opposition

to the provision in the Constitution prohibiting preachers from holding office in the Republic, which speech historians report was one of the best ones made, and

Whereas, Those noble men went on record as leading in the way of righteousness, in the midst of the paths of judgment, that God may cause those that love Him to inherit substance; and inherit the promise of His treasures, and

Whereas, Today in commemoration of their noble deeds and thoughts one hundred and five years ago, we solemnly bow in reverence to the memory of our God-fearing forefathers, and

Whereas, We representatives of the people, in the Forty-seventh Legislature, in the midst of chaos and confusion all about us, reaffirm and confirm our faith in the one true God of us all, and solemnly pledge allegiance to this State of Texas inherited from our forefathers, and to the United States of America, and solemnly pledge our noblest efforts to eradicate the evils among us, recognizing that we are children of God, ready for the conflict confronting us, which is a Christian's fight for God's will to be done on earth as it is in Heaven, asking forgiveness for our trespasses and forgiving those whom we have wronged, asking God to lead us in paths of righteous and keep us from the paths of temptations, asking for our daily bread, for the sake of His Kingdom, His Power and His glory, now

Therefore be it resolved, That we solemnly pledge that our children of the future generations will be told of the Word of God, as so truly carved on the tombstones of the graves and hearts of our forefathers in Washington County, the founders of this great State, and that we will go side by side with government, education, sciences, church, and everything for the good of God's children, as a united people resolved into one common cause for God's Glory with true religious tolerance and religious freedom for all, with better understanding of each human soul in this great State, and a united vigilance to eradicate evil.

The resolution was read second time and was adopted.

TO GRANT PERMISSION TO SUE THE STATE

Mr. McAlister offered the following resolution:

H. C. R. No. 51, Authorizing the Federal Life Insurance Company to Sue the State of Texas.

Whereas, On November 22, 1930, the County of Childress acquired from Millie E. Henshaw by Right-of-Way Deed all right, title and interest of Millie E. Henshaw in and to 10.01 acres of land for the building of a highway through Childress County, and

Whereas, On the date of the execution of the Right-of-Way Deed by Millie E. Henshaw to W. B. Howard, County Judge of Childress County, the Federal Life Insurance Company held a Deed of Trust lien against the above mentioned property, which Deed of Trust was of record in the deed records of Childress County, Texas, and constituted a prior and valid lien on this property, and

Whereas, The County of Childress purchased this property without acquiring from the Federal Life Insurance Company, the legal owner and holder of Deed of Trust Lien, a release in and to their claim on this 10.01 acres of land, and

Whereas, The rights of the Federal Life Insurance Company were superior to the title and interest acquired by the County of Childress, and

Whereas, The Federal Life Insurance Company has filed suit against the County of Childress to foreclose their Deed of Trust Lien in and to the 10.01 acres of land mentioned herein, and the County of Childress has filed an answer to said suit setting out that this land was acquired for the benefit of the State of Texas and that the State of Texas has acquired an interest in and to said lands and the State of Texas is now in possession of this said property—maintaining, using, and controlling same for highway purposes and that the said State of Texas is not and does not appear in the plaintiff's petition as a party to the suit now pending in Childress County, and the County of Childress has asked the court to dismiss the suit because of the failure of Federal Life Insurance

Company to make the State and/or Highway Department parties plaintiff to their cause of action.

Therefore, be it resolved by the Legislature of the State of Texas, That the consent of the Legislature of the State of Texas is hereby given to the Federal Life Insurance Company, a corporation organized under the laws of the State of Illinois who has a permit to do business in the State of Texas, to file and prosecute a suit against the State of Texas and/or State Highway Commission in a court of competent jurisdiction in order to determine whether or not the State of Texas and/or the State Highway Commission is liable for the damages sustained by Federal Life Insurance Company by reason of the State building the highway over the land in controversy.

That such suit may be filed in any court of competent jurisdiction in the State of Texas; to-wit, the District Court of Childress County, at any time within two years from the date that this resolution takes effect.

That such suit upon said cause of action shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defense that would be applicable if such suit were against an ordinary Texas corporation.

The process in such suit may be served upon the Governor of Texas and Attorney General of Texas in the same manner and with the same force and effect as is made and provided in civil cases.

That the State of Texas and/or the State Highway Commission may appeal from any judgment rendered as provided by law without executing any bond and upon final judgment being rendered against the defendants, same shall be satisfied and paid out of the Highway funds of the State of Texas.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

MEMORIALIZING CONGRESS IN REGARD TO BRAZOS RIVER

Mr. Davis offered the following resolution:

H. C. R. No. 52, Memorializing Congress in Regard to Condition of Brazos River.

Whereas, The Brazos River has deposited many feet of silt into its channel at Waco since its last dredging, and is fast becoming the "Yellow Peril" of Waco, endangering the lives and property of the residents and business firms of East Waco whenever there is continued rainfall; and

Whereas, The Whitney Dam has been indefinitely postponed because of defense work, and, if completed, would not solve Waco's need to have the Brazos dredged; and

Whereas, The flood problem of East Waco will become a tax on the Red Cross and the City; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Senators and Congressmen from the State of Texas, be asked to use their influence in Washington to impress upon the National Board of Flood Control the urgent need of dredging the channel, and of repairing the dikes of the Brazos River at the site of the City of Waco and East Waco, to meet the flood emergence until such time as the Whitney Dam and other flood control measures recommended by the United States Army engineers can be completed; now, therefore, be it further

Resolved, That a copy of this Resolution be sent to each Member of the Texas delegation in the Congress of the United States.

The resolution was read second time and was adopted.

TO PROVIDE FOR DRAFTING OF NEW STATE CONSTITUTION

Mr. White offered the following resolution:

H. C. R. No. 53, To Provide for Drafting of a New State Constitution.

Whereas, Our present State Constitution was adopted in 1876 and whereas conditions have so vitally changed since that time; and

Whereas, So many amendments have been added to our present Constitution that it has become cumbersome, complex and antiquated; and

Whereas, It is the purpose of the Constitution to be simple, brief, and clear; and

Whereas, Our present Constitution is neither simple, brief, nor clear; and

Whereas, Many provisions now included in our Constitution should be in our Statutes; and

Whereas, We are called upon at great expense from year to year to vote for various and sundry amendments to our Constitution; now

Therefore, be it resolved, that the House of Representatives, the Senate concurring, Provide for the drafting of a new Constitution for the State of Texas; this Constitution to be simple, brief and clear.

Be it further resolved, That the Speaker of the House appoint five Members, and the President of the Senate appoint five Members, together with five Members to be appointed by the Governor, to draft a new Constitution and submit the same to the next regular session of the Legislature for its approval or rejection and, should said new Constitution be approved by the next Legislature, that it be then submitted to the voters of the State of Texas for their ratification.

The resolution was read second time.

Mr. Bailey moved that the resolution be referred to the Committee on State Affairs.

Mr. Alsup moved as a substitute motion that the resolution be referred to the Committee on Judiciary.

The substitute motion by Mr. Alsup prevailed.

The motion as substituted then prevailed.

RELATIVE TO CERTAIN RULES PROMULGATED BY SUPREME COURT

Mr. Isaacks offered the following resolution:

H. C. R. No. 54, Relative to Certain Rules Promulgated by Texas Supreme Court.

Whereas, Be it enacted by House Bill No. 108 of the Forty-sixth Leg-

islature being Chapter 25, thereof, the Legislature relinquished to the Supreme Court of the State of Texas final rules making power in civil jurisdiction proceedings, and by said Act provided that the Supreme Court shall promulgate such laws to become effective upon September 1, 1941, and providing that said rules remain in effect unless and until disapproved by the Legislature and requiring said rules to be printed and mailed to each member of the Legislature sixty (60) days prior to the next convening of the Legislature, and

Whereas, The Supreme Court has heretofore promulgated and published said rules, same being numbered from No. 1 to 822 inclusive and published and placed in the hands of the various Members of the present Legislature and the Legislature does disapprove some of said rules, therefore, be it

Resolved, by the House, the Senate concurring, That the following rules be and the same are disapproved and held for naught. The rules herein specifically disapproved are:

Rule No. 45, found on page 17 of the Rules Adopted and Promulgated by the Supreme Court, said rule reading as follows:

"Definition and System. — Pleadings in the district and county courts shall

(a) Be by petition and answer.

(b) Consist of a statement in plain and concise language of the plaintiff's cause of action or the defendant's grounds of defense. That an allegation be evidentiary or be of legal conclusion shall not be ground for objection when fair notice to the opponent is given by the allegations as a whole.

(c) Contain any other matter which may be required by any law or rule authorizing or regulating any particular action or defense.

(d) Be in writing, signed by the party or his attorney, and be filed with the clerk.

All pleadings shall be so construed as to do substantial justice."

Rule Number 47, which is specifically disapproved, reads as follows:

"Claims for Relief. — A pleading which sets forth a claim for relief,

whether an original petition, counterclaim, crossclaim, or third party claim, shall contain

(a) a short statement of the cause of action sufficient to give fair notice of the claim involved, and

(b) a demand for judgment for the relief to which the party deems himself entitled. Relief in the alternative or of several different types may be demanded."

Rule Number 83, which is specifically disapproved, reads as follows:

"Answer; Original and Supplemental; Indorsement. — The answer of defendant shall consist of an original answer, and such supplemental answers shall be indorsed, so as to show their respective positions in the process of pleading, as 'original answer,' 'defendant's first supplemental answer,' 'defendant's second supplemental answer,' and so on, to be successively numbered, named and indorsed."

Rule Number 90, which is specifically disapproved, reads as follows:

"Waiver of Defects in Pleading. — General demurrers shall not be used. Every defect, omission or fault in a pleading either of form or of substance, which is not specifically pointed out by motion or exception in writing and brought to the attention of the Judge in the trial court before the instruction or charge to the jury, or in a non-jury case, before the rendition of judgment, shall be deemed to have been waived by the party seeking reversal on such account; provided that this rule shall not apply as to any party against whom default judgment is rendered."

Rule Number 91, which is specifically disapproved, reads as follows:

"Special Exceptions. — A special exception shall not only point out the particular pleading excepted to, but it shall also point out intelligibly and with particularity the defect, omission, obscurity, duplicity, generality, or other insufficiency in the allegations or the pleading excepted to."

The resolution was read second time.

On motion of Mr. Isaacks, the resolution was referred to the Committee on Judiciary.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 13, Authorizing the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Kaufman County, and adjacent counties, and in that area; and

Whereas, The Forney Independent School District of Kaufman County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said school district to fence the grounds where said athletic events will be held; and

Whereas, It will be a great accommodation to said school district if the State Highway Department were permitted to loan said district the discarded wire hereinabove mentioned for the purpose of fencing grounds; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Forney Independent School District sufficient quantities of discarded wire hereinabove mentioned for the purposes hereinabove set out, said School Board to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read second time and was adopted.

RELATIVE TO FIRE-PROOFING OF STATE CAPITOL BUILDING

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 27, Providing for Appointment of Committee to Investigate Cost of Fire-Proofing of State Capitol Building.

Whereas, The State Capitol Building represents an investment of the people of Texas of many millions of dollars; and it contains records and documents which are priceless and irreplaceable if destroyed; and which are worth an amount so great that their value could not be estimated in money, but which if destroyed would deprive future generations of historic archives, which preserve the history and traditions of this State and the Republic of Texas; and no insurance can be obtained upon the same at any price; and,

Whereas, Much of the construction of said Capitol Building is of wood and other materials easily destroyed by fire, and said building as a whole could be easily destroyed, and it is impractical to obtain and pay for fire insurance on said building;

Now, therefore, be it resolved by the Senate, and the House of Representatives concurring, That a committee of six be appointed, consisting of three Members of the Senate, to be appointed by the Lieutenant Governor, and three Members of the House of Representatives, to be appointed by the Speaker thereof, to investigate the feasibility and probable cost of fire-proofing said Capitol Building, and such other recommendations as said Committee may deem proper, and to report back to both Houses the findings and recommendations of said Committee within thirty days from the effective date of this resolution.

The resolution was read second time and was adopted.

RELATIVE TO CERTAIN STATE EMPLOYEES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 16, Relative to Use of Employees in Office of Comptroller of Public Accounts.

The resolution having heretofore been read second time and referred to the Committee on Appropriations.

The Committee on Appropriations having recommended the adoption of the resolution.

The resolution was then adopted.

BILLS RECOMMITTED

On motion of Mr. Hileman, House Bill No. 340 was recommitted to the Committee on Education.

On motion of Mr. Donald, House Bill No. 529 was recommitted to the Committee on Counties.

On motion of Mr. Baker, House Bill No. 513 was recommitted to the Committee on Counties.

HOUSE BILL NO. 351 ON
SECOND READING

(By unanimous consent.)

On motion of Mr. Lowry, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 351.

The Speaker the laid before the House, on its second reading and passage to engrossment,

H. B. No. 351, A bill to be entitled "An Act providing for the creation of a class of common carrier motor carriers to be known as 'Specialized Motor Carriers' by amending Section 1, Chapter 314, Acts 1929, 41st Legislature, Regular Session, Page 698, as amended by Section 1, Chapter 277, Acts 1931, 42nd Legislature, Regular Session, Page 480, by adding subsection (i), defining 'Specialized Motor Carriers,' subsection (j), defining 'Special Facilities' and subsection (k), defining 'Special Motor Vehicles'; amending Section 5, Chapter 314, Acts 1929, 41st Legislature, Regular Session, Page 698, as amended by Section 5, Chapter 277, Acts 1931, 42nd Legislature, Regular Session, Page 480, by adding subsection 5 (a), providing for the issuance to 'Specialized Motor Carriers' of certificates of public convenience and necessity by the Railroad Commission, providing that no 'Specialized Motor Carriers' shall operate over highways of this State without first having obtained a certificate of public convenience and necessity, and providing for the sale, assignment, lease, transfer and inheritance of such certificates; etc.; and declaring an emergency."

The bill was read second time.

Mr. Lowry offered the following committee amendments to the bill:

Amend House Bill No. 351 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Declaration of Policy. It is hereby declared to be the policy of the Legislature to create a class of common carrier motor carriers designated as "Specialized Motor Carriers" to engage in the business of transporting for compensation or hire over the highways in this State over irregular routes on irregular schedules with "Specialized Equipment," oil field equipment, household goods and used office furniture and equipment, live stock, milk, livestock feedstuff, grain, farm machinery, timber in its natural state, wool, mohair, pipe used in the construction and maintenance of waterlines and pipelines, and in addition, all commodities which by reason of length, width, weight, height, size or other physical characteristic, require the use of special devices, facilities or equipment for their loading or unloading, and all commodities which require special facilities or special motor vehicles for adequate, efficient or safe transportation; to regulate such carriers in the public interest to the end that the highways may be rendered safer for the use of the general public, that the wear of such highways may be reduced, that congestion of traffic on the highways may be minimized, and that the use of the highways may be restricted to the extent required by the necessity of the general public; provide regulation for all common carriers, without unjust discriminations, undue preferences or advantages, unfair or destructive competitive practices; improve the relations between and coordinate transportation by and regulation of such motor carriers and other common carriers; preserve the common carriers serving the public in the transportation of commodities generally over regular routes; develop and preserve a complete transportation system properly adapted to the needs of the commerce of this State and the National Defense Program.

Sec. 2. That Section 1 of Article 911b of Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, be amended so as to add paragraph (i) which shall read as follows:

"(i) 'Specialized Motor Carrier' means any person owning, controlling, managing, operating or causing to be operated any motor-propelled vehicle used in transporting, over any public highway in this State, over irregular routes on irregular schedules, for compensation and for the general public with specialized equipment, property requiring specialized equipment in the transportation and handling thereof; provided, that the term 'Specialized Motor Carrier' as used in this Act shall not apply to motor vehicles operated exclusively within the incorporated limits of cities or towns; and, provided further the term 'Specialized Motor Carrier' as used herein shall include those carriers who engage or desire to engage exclusively in the transportation of live stock, live-stock feedstuff, grain, farm machinery, timber in its natural state, milk, wool, mohair, or property requiring specialized equipment as that term is hereinafter defined, or any one, or more, of the foregoing named commodities.

"For the purpose of this Act, the term 'Specialized Equipment' includes, but is not limited to block and tackle, hoists, cranes, windlasses, gin poles, winches, special motor vehicles, and such other devices as are necessary for the safe and proper loading or unloading of property requiring specialized equipment for the transportation and handling thereof.

"For the purposes of this Act, the term 'property requiring specialized equipment' is limited to (1) Oil field equipment, (2) Household goods and used office furniture and equipment, (3) Pipe used in the construction and maintenance of waterlines and pipelines, and (4) Commodities which by reason of length, width, weight, height, size or other physical characteristic require the use of special devices, facilities, or equipment for their loading, unloading and transportation.

"For the purposes of this Act, the term 'Oil field equipment' means

and includes machinery, materials, and equipment incidental to or used in the construction, operation and maintenance of facilities which are used for the discovery, production and processing of natural gas and petroleum, and such machinery, materials and equipment when used in the construction and maintenance of pipelines."

Sec. 3. That Section 6(d) of Article 911b of Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, be and the same is hereby repealed.

Sec. 4. That Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, be amended so as to add Section 5a, which shall read as follows:

"Sec. 5a. (a) The Commission is hereby given authority to issue upon application and hearing as provided in this Act, to those persons who desire to engage in the business of a 'Specialized Motor Carrier,' certificates of convenience and necessity in the manner and under the terms and conditions as provided in this Act.

"Any certificate held, owned or obtained by any motor carrier operating as a 'Specialized Motor Carrier' under the provisions of this Act, may be sold, assigned, leased, transferred or inherited; provided, however, that any proposed sale, lease, assignment or transfer shall be first presented in writing to the Commission for its approval or disapproval, and the Commission may disapprove such proposed sale, assignment, lease or transfer if it be found and determined by the Commission that such proposed sale, assignment, lease or transfer is not in good faith or that the proposed purchaser, assignee, lessee or transferee is not able or capable of continuing the operation of the equipment proposed to be sold, assigned, leased or transferred in such manner as to render the services demanded by the public necessity and convenience in the territory covered by the certificate, or that said proposed sale, assignment, lease or transfer is not best for the public interest; the Commission, in approving or disapproving the sale, assignment, lease or transfer of any

certificate, may take into consideration all of the requirements and qualifications of a regular applicant required in this Act and apply same as necessary qualifications of any proposed purchaser, assignee, lessee or transferee; provided however, that in case a certificate is transferred that the transferee shall pay the Commission a sum of money equal to ten per cent (10%) of the amount paid as a consideration for the transfer of the certificate, which sum of ten per cent (10%) shall be deposited in the State Treasury to the credit of the highway fund of the State; provided further, that any certificate obtained by any motor carrier or by any assignee or transferee shall be taken and held subject to the rights of the State at any time to limit, restrict or forbid the use of the streets and highways of this State to any holder or owner of such certificate. Every application filed with the Commission for an order approving the lease, sale or transfer of any certificate of convenience and necessity shall be accompanied by a filing fee in the sum of twenty-five (\$25) dollars, which fee shall be in addition to the other fees and taxes and shall be retained by the Commission whether the lease, sale or transfer of the certificate of convenience and necessity is approved or not.

"(b) No motor carrier shall transport oil field equipment, household goods, used office furniture and equipment, live stock, milk, livestock feedstuff, grain, farm machinery, timber in its natural state, wool or mohair, on any highway in this State unless there is in force with respect to such carrier and such carrier is the owner or lessee of a certificate of convenience and necessity issued pursuant to a finding and containing a declaration that the public convenience and necessity requires such operation or a contract carrier permit issued by the Commission, authorizing the transportation of such commodity or commodities; provided that nothing herein shall modify or restrict the authority of common carrier motor carriers operating under certificates of convenience and necessity issued by the Commission; provided further that any person to whom a

'Special Commodity' permit for the transportation of any or all of said commodities had been issued under the provisions of Section 6, paragraph (d), Article 911b, Title 25, Revised Civil Statutes of the State of Texas, 1925, as amended, if such 'Special Commodity' permit shall have been in force and effect on January 1, 1941, and if such person or predecessor in interest shall have actually engaged in the business of transporting any or all of such commodities and shall have actually transported such commodity or commodities, as the case may be, on and prior to January 1, 1941, and continuously since that time, who may desire to continue in the business of a motor carrier of such commodity or commodities actually transported, shall file an application for a certificate of convenience and necessity under the terms of this Act within thirty (30) days after the effective date hereof, and, unless protest against any such application shall be filed with the Commission, as provided herein, it shall be the duty of the Commission to issue without further proof a certificate authorizing the operation as a 'Specialized Motor Carrier' for the transportation of such commodity or commodities actually transported on and prior to January 1, 1941, and continuously since, as the case may be, within the territory, or area, or, from or to the point, or between the points provided in such former Special Commodity Permit, and such certificate shall authorize the transportation of the said commodity or commodities within the territory or area, or from or to the point, or between the points, provided in such former Special Commodity Permit, said certificate to be issued to authorize service in the same manner and only to the same extent as authorized by such former Special Commodity Permit, and the rules, regulations and general orders of the Commission. At any time within sixty (60) days after the filing of any such application, any carrier affected by any such application filed under this section, may file with the Commission a protest against the application, but such protest to be considered by the Commission must be in writing and filed with the

Commission within the specified sixty (60) days, and shall set forth the reasons for said protest. In the event protest is filed against any such application of any existing motor carrier, hearing upon such application and protest shall be had, and if the Commission shall find that such motor carrier was issued such former special commodity permit, that such permit was in force and effect on January 1, 1941, and that such motor carrier or predecessors in interest were actually engaged in the business of transporting such commodity or commodities, and were actually transporting such commodity or commodities, as the case may be, on and prior to January 1, 1941, and continuously since that time, then the Commission shall issue without requiring further proof that public convenience and necessity will be served by such operation, a certificate of convenience and necessity authorizing operation as a 'Specialized Motor Carrier' for the transportation of the commodity or commodities included in such former special commodity permit as were transported on and prior to January 1, 1941, and continuously since, as the case may be, within the territory, or area, or, from or to the point, or between the points provided in such former Special Commodity permit, and such certificate shall authorize the transportation of the said commodity or commodities within the territory or area, or from or to the point, or between the points, provided in such former Special Commodity Permit, and in the same manner and only to the same extent as authorized by such former Special Commodity Permit, and the rules, regulations, and general orders of the Commission. Any person now engaged in the transportation of oil field equipment or household goods and used office furniture and equipment, live stock, milk, livestock feedstuff, grain, farm machinery, timber in its natural state, or wool and mohair, under a Special Commodity Permit when this section takes effect, may continue such operation as authorized by such Special Commodity Permit for a period of thirty (30) days thereafter without a certificate, and if the application for certificate

to operate as a 'Specialized Motor Carrier' is made to the Commission within such period, the carrier may continue such operation, pending determination of his application, provided such carrier complies with the law and the rules, rates and regulations of the Commission. Upon the expiration of thirty (30) days after this section takes effect, the Commission shall cancel all Special Commodity Permits theretofore issued by the Commission under Section 6(d) of Article 911b of Title 25, Revised Civil Statutes of the State of Texas, 1925, as amended.

"(c) The Commission shall have no jurisdiction to consider, set for hearing, hear or determine any application for a certificate of convenience and necessity authorizing the operation as a 'Specialized Motor Carrier' or any other common carrier except as provided in the preceding paragraph unless the application shall be in writing and set forth in detail the following facts:

1. It shall contain the name and address of the applicant, who shall be the real party at interest, and the names and addresses of its officers, if any, and shall give full information concerning the financial condition and physical properties of the applicant.

2. The commodity or commodities or class or classes of commodities which the applicant proposes to transport and the specific territory or points to, or from, or between which the applicant desires to operate, together with the description of each vehicle which the applicant intends to use.

3. It shall be accompanied by a map, showing the territory within which or the points to, or from, or between which the applicant desires to operate, and shall contain a list of any existing transportation company or companies serving such territory, and shall point out the inadequacy of existing transportation facilities or service, and shall specify wherein additional facilities or service are required and would be secured by the granting of said application.

"(d) Before any such application shall be granted, the Commission shall hear, consider and determine said application in accordance with

Sections 8, 9, 11, 12 and 13, 13a., 14 and 15 of Chapter 277, Acts of the 41st Legislature, Regular Session, as amended (Article 911b, Revised Civil Statutes of the State of Texas, 1925, as amended), and if the Commission shall find any such applicant entitled thereto, it shall issue certificate hereunder on such terms and conditions as is justified by the facts; otherwise said application shall be denied. The Commission shall have no authority to grant any application for a certificate of convenience and necessity authorizing operation as a 'Specialized Motor Carrier' or any other common carrier unless it is established by substantial evidence; (1) that the services and facilities of the existing carriers serving the territory or any part thereof are inadequate; (2) that there is a public need for the proposed service; (3) and that such need will be fulfilled by the granting of such application. The order of the Commission granting said application and the certificate issued thereunder shall be void unless the Commission shall set forth in its order full and complete findings of fact pointing out in detail the inadequacies of the services and facilities of the existing carriers, and the public need for the proposed service. Likewise, the Commission shall have no authority to grant any contract carrier application for the transportation of any commodities in any territory or between any points where the existing carriers are rendering, or are capable of rendering, a reasonably adequate service in the transportation of such commodities.

"(e) Except where otherwise provided, application for and holders of certificates of public convenience and necessity, as provided for in this section, shall be subject to all of the provisions of the Act relating to common carriers by motor vehicle.

"(f) Every application for a certificate of public convenience and necessity under this section shall be accompanied by a filing fee in the sum of \$25.00 which fee shall be in addition to other fees and taxes, and shall be retained by the Commission whether certificate of convenience and necessity is granted or not.

"(g) For the purpose of defraying the expense of administering this

Act, every motor carrier operating as a 'Specialized Motor Carrier' in this State, shall at the time of the issuance of a certificate of convenience and necessity to him, and annually thereafter, on or between September 1st and September 15th, of each calendar year, pay a special fee of Ten Dollars (\$10) for each motor propelled vehicle operated or to be operated by such motor carrier in the carriage of property. If the certificate of convenience and necessity herein referred to is issued after the month of September of any year, the fee paid shall be prorated to the remaining portion of the year ending August 31st following, but in no case less than one-fourth ($\frac{1}{4}$) the annual fee. In case of emergency or unusual temporary demands for transportation the fee for additional motor-propelled vehicles for less period shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order.

"(h) It shall be unlawful for any 'Specialized Motor Carrier' as hereinbefore defined to operate any motor vehicle within this State unless there shall be displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the Commission. Each of such plates shall be designed so as to identify the vehicle on which the same is attached as being a vehicle authorized to operate under the terms of this law; said plate shall bear the number given to the vehicle by the Commission and such other marks of identification as may be necessary. The plates for vehicles operated by 'Specialized Motor Carriers' shall be different in design to the plates for common carrier vehicles and the plates for contract carrier vehicles. The identification plates provided for herein shall be in addition to the regular license plates provided by law. It shall be the duty of the Commission to provide these plates and each motor vehicle operating in this State shall display such plates as soon as the same are received, and such plates shall be issued annually thereafter and attached to each motor vehicle not later than September 1st of each year, or as soon thereafter as possible. The Commission

shall be authorized to collect from the applicant a fee of One (1) Dollar for each pair of plates so issued, and all fees for such plates shall be deposited in the State Treasury to the credit of the Motor Carrier Fund."

Sec. 5. The fact that under the present law, the carriers of the special commodities and the classes of commodities named herein are not regulated with regard to the general welfare of the public requirements and according to the needs of the general public and the industries served and such regulations are not promulgated so as to preserve for the public an adequate transportation system creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule relating to the reading of bills on three several days in each House, and the Constitutional Rule providing that a bill may not become effective until 90 days after adjournment of the session, and such rules are hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amend House Bill 351 by striking out all above the enacting clause and inserting in lieu thereof the following:

H. B. No. 351

A BILL

To Be Entitled

"An Act amending Section 1 of Chapter 314, General Laws of the State of Texas passed by the 41st Legislature, Regular Session, as amended by Section 1 of Chapter 277, Acts of the Regular Session of the 42nd Legislature, defining the terms "Specialized Motor Carrier," "Specialized Equipment," "Property Requiring Specialized Equipment," and "Oilfield Equipment;" also repealing Section 6 (d) of Chapter 277, Acts of the Regular Session of the 42nd Legislature, as amended by Section 1 of Chapter 321; Acts of the Regular Session of the 45th Legislature; also amending Chapter 314, General Laws of the State of Texas passed by the 41st Legislature Regular Session, as amended by Chapter 277, Acts of the Regular Session

of the 42nd Legislature, and all amendments thereto, by adding a new section to be known as Section 5a.; by giving the Railroad Commission of Texas authority to issue certificates of convenience and necessity authorizing the operation of specialized motor carriers; providing that no motor carrier shall hereafter operate as a motor carrier of oilfield equipment, household goods, used office furniture and equipment, livestock, livestock feedstuff, farm machinery, grain, timber in its natural state, milk, wool or mohair without having a certificate of convenience and necessity or contract carrier permit; providing for the sale, lease, assignment, transfer, or inheritance of certificates of specialized motor carriers under certain conditions and subject to the approval or disapproval of the Commission; providing the method for securing of certificates authorizing operation as specialized motor carriers by motor carriers now lawfully operating under special commodity permits heretofore issued by the Commission authorizing transportation of oilfield equipment, household goods, used office furniture and equipment, livestock, livestock feedstuff, farm machinery, grain, timber in its natural state, milk, wool or mohair; providing the jurisdiction and procedure of the Commission in granting applications for certificates of convenience and necessity to specialized motor carriers and common carriers and contract carrier permits; providing that specialized motor carriers shall be subject to the laws relating to common carriers; providing that for the issuance of special identification plates for motor vehicles operated by special motor carriers, and prescribing fees therefor; providing for the payment of annual fees for each motor vehicle operated by a specialized motor carrier for the fund for administering the Act; declaring the public policy of this State with reference to the business of transporting oilfield equipment, household goods, used office furniture and equipment, livestock, milk, livestock feedstuff, grain, farm machinery,

timber in its natural state, wool, mohair, pipe, and commodities requiring specialized equipment in the transportation and handling thereof, and other commodities; and declaring an emergency."

The committee amendments were severally adopted.

House Bill No. 351 was then passed to engrossment.

HOUSE BILL NO. 351 ON THIRD READING

Mr. Lowry moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 351 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Allen	Eubank
Allison	Favors
Alsup	Ferguson
Avant	Files
Baker	Fitzgerald
Bean	Fuchs
Benton	Gandy
Blankenship	Goodman
Boone	Halsey
Brawner	Hanna
Bray	Hargis
Bridgers	Harris of Dallas
Brown	Harris of Hill
Bruhl	Hartzog
Bullock	Heflin
Bundy	Helpinstill
Burkett	Henderson
Burnaman	Hileman
Carlton	Hobbs
Carrington	Howington
Cato	Huddleston
Chambers	Huffman
Clark	Hughes
Cleveland	Humphrey
Coker	Hutchinson
Colson, Mrs.	Isaacks
Connelly	Jones
Craig	Kelly
Crossley	Kennedy
Crosthwait	Kersey
Daniel	Kinard
Dickson of Bexar	Klingeman
Donald	Knight
Dove	Lansberry
Duckett	Lehman
Evans	Leyendecker
Ellis	Little

Lock	Phillips
Love	Price
Lowry	Rampy
Lucas	Reed of Bowie
Lyle	Reed of Dallas
McAlister	Ridgeway
McCann	Roark
McDonald	Roberts
McGlasson	Rhodes
McLellan	Senterfitt
McNamara	Sharpe
Manford	Simpson
Manning	Skiles
Markle	Smith of Bastrop
Martin	Spacek
Matthews	Stanford
Mills	Stinson
Montgomery	Stubbs
Moore	Thornton
Morgan	Turner
Morris	Vale
Morse	Walters
Murray	Wattner
Nicholson	Weatherford
Pace	White
Parker	Whitesides
Pevehouse	Winfree

Absent

Bailey	Dwyer
Celaya	Hoyo
Davis	Sallas
Deen	Spangler

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

The Speaker then laid House Bill No. 351 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—121

Allen	Bridgers
Allison	Brown
Alsup	Bruhl
Avant	Bullock
Baker	Bundy
Bean	Burkett
Benton	Burnaman
Blankenship	Carlton
Boone	Carrington
Brawner	Cato
Bray	Celaya

Clark	Lyle
Cleveland	McAlister
Coker	McCann
Colson, Mrs.	McGlasson
Connelly	McNamara
Craig	Manford
Crossley	Manning
Crosthwait	Markle
Daniel	Martin
Dickson of Bexar	Matthews
Donald	Mills
Dove	Montgomery
Duckett	Moore
Ellis	Morgan
Eubank	Morris
Favors	Morse
Ferguson	Murray
Files	Pace
Fitzgerald	Parker
Gandy	Pevehouse
Goodman	Phillips
Halsey	Price
Hanna	Rampy
Hargis	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Hill	Ridgeway
Helpinstill	Roark
Hileman	Roberts
Hobbs	Rhodes
Howington	Sallas
Hoyo	Senterfitt
Huddleston	Sharpe
Huffman	Simpson
Hughes	Skiles
Humphrey	Smith of Bastrop
Isaacks	Spacek
Jones	Spangler
Kelly	Stanford
Kennedy	Stinson
Kersey	Stubbs
Klingeman	Thornton
Knight	Turner
Lansberry	Vale
Lehman	Walters
Leyendecker	Wattner
Little	Weatherford
Lock	White
Love	Whitesides
Lowry	Winfree
Lucas	

Nays—1

Bailey

Absent

Chambers	Heflin
Davis	Henderson
Deen	Hutchinson
Dwyer	Kinard
Evans	McDonald
Fuchs	McLellan
Hartzog	Nicholson

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

Mr. Lowry moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE APPOINTED TO ESCORT HON. T. W. DAVIDSON TO SPEAKER'S STAND

The Speaker announced the appointment of the following committee on the part of the House to escort Hon. T. W. Davidson to the Speaker's Stand:

Messrs. Blankenship, Harris of Dallas, Winfree, Stinson and Reed of Dallas.

(Mr. Kennedy in the Chair.)

ADDRESS BY HONORABLE T. W. DAVIDSON

(In Joint Session.)

In accordance with the provisions of Senate Concurrent Resolution No. 23, adopted by the House and Senate, inviting Honorable T. W. Davidson, Federal Judge for the Northern District of Texas, to address a Joint Session of the Legislature at 11:00 o'clock a. m., today, the Honorable Senators escorted by Hon. Bob Barker, Secretary of the Senate, were announced at the bar of the House and being duly admitted were escorted to seats prepared for them along the aisle.

Lieutenant Governor Coke Stevenson was escorted to a seat on the Speaker's Stand.

Honorable T. W. Davidson, and party, escorted by Senators Hill, Graves, Aikin, Martin and Isbell, Committee on the part of the Senate and Messrs. Blankenship, Harris of Dallas, Winfree, Stinson and Reed of Dallas, Committee on the part of the House, were announced at the bar of the House and were escorted to seats on the Speaker's Stand.

Lieutenant Governor Coke R. Stevenson called the Senate to order and stated that the two Houses were in Joint Session for the purpose of hearing an address by Judge T. W. Davidson.

The Lieutenant Governor directed the Clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formy	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum of the Senate was announced present.

Honorable Harold Kennedy, who was in the Chair, called the House to order and directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Carrington
Allen	Cato
Allison	Celaya
Alsup	Chambers
Avant	Clark
Bailey	Cleveland
Baker	Coker
Benton	Colson, Mrs.
Blankenship	Craig
Boone	Crossley
Brawner	Crosthwait
Bray	Daniel
Bridgers	Davis
Brown	Dickson of Bexar
Bruhl	Donald
Bullock	Dove
Bundy	Duckett
Burkett	Evans
Burnaman	Ellis
Carlton	Eubank

Ferguson	Manford
Files	Manning
Fitzgerald	Markle
Fuchs	Martin
Gandy	Matthews
Goodman	Mills
Halsey	Montgomery
Hanna	Moore
Hargis	Morgan
Harris of Dallas	Morris
Harris of Hill	Morse
Heflin	Murray
Helpinstill	Pace
Henderson	Parker
Hileman	Pevehouse
Hobbs	Phillips
Howington	Price
Huddleston	Rampy
Huffman	Reed of Bowie
Hughes	Reed of Dallas
Humphrey	Ridgeway
Hutchinson	Roark
Isaacks	Roberts
Jones	Rhodes
Kelly	Sallas
Kennedy	Senterfitt
Kersey	Sharpe
Klingeman	Simpson
Knight	Skiles
Lansberry	Smith of Bastrop
Lehman	Spacek
Leyendecker	Spangler
Little	Stanford
Lock	Stubbs
Love	Thornton
Lowry	Turner
Lucas	Vale
Lyle	Walters
McAlister	Wattner
McCann	Weatherford
McDonald	White
McGlasson	Whitesides
McLellan	Winfree
McNamara	

Absent

Bean	Hartzog
Connelly	Hoyo
Deen	Kinard
Dwyer	Nicholson
Favors	Stinson

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

A quorum of the House was announced present.

Honorable Harold Kennedy then presented Senator Joe Hill, who introduced Judge T. W. Davidson to the Joint Session and the Assemblage.

Judge Davidson then addressed the Joint Session as follows:

"The New Order"

Mr. President and Members of the Texas Legislature:

The walls of this Chamber are sacred to me. As time rolls by, they will become so and more so to each of you. As we walk by the portraits of Sam Houston, of Stephen Austin, of O. M. Roberts, of James Hogg, and those who have guided this Ship of State for a hundred years, we feel that we are in the house of our fathers.

Our minds turn even farther away to the land from whence they came—to the Hermitage, to Monticello, to the old House of Burgesses at Williamsburg, to Stratford, to Mount Vernon, to Arlington, and other shrines of America's patriotic devotion. When we behold these pictures we are conscious of the Golden Age of American patriotism and Southern chivalry.

Our fathers raised the torch of liberty. Symbolically it stands in New York Harbor, enlightening the world. The Spirit of Washington was caught up by Bolivar, Mirandi and Martin, and its benign blessings spread from Canada to Cape Horn. It spread across the seas. The thrones of tyrants toppled and liberalized governments appeared.

We love the men who ushered in this regime. It is sometimes referred to as the "Old Order," but many of us are proud of this heritage from our noble fathers; we are proud of the greatness of our country, and we understand the meaning of the poet, when he said:

"Breathes there a man with soul so dead,
Who ne'er to himself hath said
This is my own, my native land."

"The New Order"

Over the radio we hear that all that is left of France, the great European republic, is being encouraged and coerced into becoming a

part of the "New Order." Roumania has accepted her place in the "New Order." Bulgaria, without firing a gun, like the children of pacifism, is accepting her place in the "New Order." Denmark awoke with the coming of the morn, and found that she had accepted the "New Order" without knowing it, even, in the night. Norway, Belgium, Holland, each in turn has accepted the "New Order." The "New Order" was tendered to Finland; she gallantly defended her conception of civilization and justice.

But what is this "New Order," that is to reorganize Europe and shape civilization? Briefly stated by a survey of the European situation, and especially from the acts and doings of those that command in that unhappy continent, the new order is "State Socialism," backed by military rule. It is the rule of the Absolutist. The judiciary, with its safeguards, has been submerged beneath the waves of Fascism, Nazism and Communism. These are the triplets born to father Greed and mother Hate.

Let us descend from the heights of more lofty platitudes and, staying away from any unkind remarks, examine the new order in Germany, the source of its military power, which seeks, like the sword of Mohammed, to bring under its shadow the civilized world. In my young manhood it was my pleasure to know a plain, but highly educated old gentleman from Germany. He was a Jew; he could trace his ancestry back to the House of Levi. His children entered into all that was America and America's—blessed and embraced it with open arms. One of his type remained behind in the Fatherland. A friend of his journeyed to see him. He had been the head of a great banking house—the banking house was closed. He had owned a palatial home—the visitor found strangers there. He procured the address of its former owner and occupant, and found him, his wife, and five children living in a dungeon, where not even the sunshine could penetrate. Strange to say, he was still cheerful. He believed in Jehovah, the God of the universe.

What wrong has this man done?

No law had he violated,—he was simply a member of a race that the world of Nazism saw fit to hate and to persecute. It was a part of the new order. Hate is the essential element of the religion of the new order. Some one must be hated, and this man was the victim.

But let us turn to Austria. We are told that Austria became a part of the German Reich by her own election and free will. The man who was guiding the ship of state of the Austrian Nation, Mr. Schuschnigg, had committed no crime, yet for the past four years the bayonets of the Germany Army have stood at his chamber's door. He may not write, as you and I. He may not speak over the radio nor to the passing stranger. He may not travel about into the lands where freedom of speech and freedom of press prevail. His only sin is entertaining different political views, and for this "sin" he is imprisoned and his liberty is gone.

How different is it here in the land given us by our fathers! When Governor O'Daniel beat Mr. Hines and Ernest Thompson in the election, everybody took up the threads of his life the next day and went happily along, including Ernest and Mr. Hines. When Franklin Delano Roosevelt beat Wendell Willkie for the presidency, Willkie is allowed to travel over the face of the earth and boldly proclaim the same foreign policy as the man who defeated him, not subject to coercion, but privileged to say, to think, to write, to travel. How different!

But what of the new order in Russia? There it has had 22 years to crystallize and show just what it is and how it is, and how it would operate. Still a military despotism, still no courts of justice—the temple of God and the temple of justice alike are closed to the petitioner.

Stalin wields the scepter over a hundred and sixty million people. Every confederate, every associate that sat by his side and rolled into power with him has disappeared. When they had aspirations or political convictions of their own, they went down the chute, called the blood purge, where their heads rolled into oblivion and none heard of their passing.

The artist, the poet and the historian for the past two hundred years have told us much of the Cossacks, as the heart and center of the great Russian cavalry. But where is the Cossack today under the new order? His politics were not right. He didn't fall into the new secret political organization that dominated the land for which he had fought for hundreds of years. He is no more. The only group of Cossacks that we know about now is a band of traveling musicians over here in the United States who are afraid to go home. The rest of them, hundreds of thousands, have gone down into Death Valley for no offense other than loving their country well enough to entertain different political views from Mr. Stalin,—from Mr. Stalin whose secret hand is so powerful and whose power is so insidious that he can dictate the death of a man across the Atlantic in his quiet retreat in Mexico. The new order has its agents over here, as well as elsewhere.

But we are told that all this will change when the Democracy of Old England goes down and when Britannia no longer rules the waves. How will it change? In that respect we are not advised. Military despotisms never change until a more powerful hand hurls them into oblivion. It has been left alone for almost a quarter of a century in Russia, and there you have an opportunity to see what it will do if left to its own initiative. Sufficient is it to say that in the land of the Russians there is no independent judiciary or court of justice as we know it. Sufficient to say that the church and the temple of worship are closed and are used for profane purposes, or have become the habitation of bats and owls.

The gory and fiendlike story follows Communism and State Socialism into Spain. As a matter of propaganda it was stated often in this country that Spain was a democracy. She was not a democracy any more than Russia is a democracy. Franco's regime was inclined more toward the Fascists of Italy, and the existing regime then in power was borrowed from Russia. England took no choice between the

two—it would have been a choice between two bad actors.

When the Spanish Civil War was at its bloodiest I met Judge Martin Traviesco of Puerto Rico, an American of Spanish birth, born in Puerto Rico, educated at Cornell, and in the territorial courts under the appointment of President Roosevelt, a very scholarly and splendid gentleman. He told me that his brother was run out of Barcelona by the Communists, or those in power, and that he passed into France just one day ahead of a death-trap; that the following day the train on which he passed through was halted in the tunnel under the Pyrenees and every male passenger required to get off, where he was shot. He told me that his sister lived in Madrid; that a government committee of inspectors raided a house next door to where she was living; that the stork was visiting the house that night at the time of the raid. He said that his sister was in the house because the lady was her friend; that an eminent Spanish physician went down and met the government's examiners and explained to them the situation and asked them to wait. They did wait, and when the doctor came down to depart they took him, overpowered him, stretched his arms across a block and chopped off his hands with a meat-ax, and then remarked to him that he would never live to help another rich man's wife give birth to a child.

Those things are so brutal they sound impossible, but no one who talked with Judge Traviesco could question his integrity or his veracity. Hatred is the religion of this particular brand of State Socialism. The fiendishness with which they do their work in taking from those that have is not unlike that of the highwayman who holds you up, takes your wallet, and then snuffs out your life.

Thirty thousand Spanish priests were said to have been slain during this bloody war. They were not slain under arms, but slain because they were priests and it was open season among the adherents of Russian Communism for anything that bore the name of Christianity, and for any man that wore a white col-

lar and had property. Judge Traviesco further stated that the secret political societies that dominated the courts and to which the landowners were probably ineligible included his hired help and servants; that they were taught to be disloyal to him and constituted a secret force that reported the doings, the comings and goings into his household to a government committee.

In one locality they may hate the Jews, in another the property-holding class, and in another the Church, but somebody must be hated and destroyed wherever State Socialism in its present forms spreads its branches.

So much for the new order, as it stands out in full-fledged power of war and might and regulates the affairs of nations according to its dreams.

The Fifth Column

Over the radio and in the columns of the press we learn that our Government has in the past four months destroyed at ports of entry fifteen tons of subversive literature from Communists, Nazis and Fascists, seeking to turn us away from the old order and to teach us to accept the grandeur (?) and beauty (?) of the new. Thirty thousand pounds of reading matter, or fifteen tons, in a few weeks for the consumption of the American reader, many of them youths.

The Attorney General's office of Oklahoma recently convicted a young man under the laws of that State. In his possession had been found great quantities of this literature, much of it printed in Moscow. He had fallen a victim to the Fifth Column and became a champion of the "New Order."

From that same city hails a man by the name of Oscar Ameringer, born in a German village, an organizer of socialism, an antagonist of former Postmaster General Burleson of our own State, a student of Marxism and all that the new order stands for. On the 19th of last April Mr. Oscar Ameringer, by invitation, addressed several hundred of our young people upon the University campus of this city. The burden of his song was socialism, the immedi-

ate purpose was to cut off aid and sympathy from the United States to Great Britain, who was holding up the standards of free government. "Let us starve the war," was his slogan. He knew that Germany was getting nothing from American markets, he could not have meant starving Germany; he meant to starve England. He declared, according to press reports, that the world was "suffering from a hangover of nationalism," and compared the United States to a "jackass standing knee-deep in a field of grass starving to death because he can't eat it all." His remarks were cheered by our children,—yours and mine, by the sons and daughters of Texas.

I, too, subscribe to the theory that this is a land of free speech and free press. I know that many of our great institutions of learning encourage the youth to accept nothing as true but to prove it to his own satisfaction, and to build up his own standards of thought and action. The great danger is that in this formative period the standards selected may be those of the militant Nazi, Oscar Ameringer.

I do not accept everything that my father thought or believed, but I do accept from him two things and will hold to them until I find something that is better. One is the tenets of the Christian civilization, and the other the American Constitution and the government it created.

Every man, every boy, every woman, every girl, must, if we would attain any success in life, have a standard, a goal and an objective. When a government better than the American form of government has been devised and tried, I am ready to accept it. If a faith or a creed better than that of Jehovah and Jesus Christ could be proclaimed, I would be ready to accept that. Patrick Henry said: "My feet are guided by the lamp of experience," and my course will remain under the standards of law and order, of justice and mercy.

This fifth column, this propaganda, being on the offensive, being a militant, going concern, like any offensive, tends to succeed and create new adherents. The man or the principle on the defensive is the one

that must suffer. This socialistic offensive attacks us in a well organized way, where we are most vulnerable. It attacks the youth, who has not yet formulated his conceptions of life, nor his course of action. It attacks labor, and whispers in his ear that he is the victim of capital, and sows the seed of hate between employer and employee. And, in the form of "Grapes of Wrath" and other texts, it appears upon the screen. A large percentage of those who saw, for instance, the production entitled "The Grapes of Wrath" didn't realize the deductions that it brought forth as the seed of discord, planted in the mind of the youthful observer. What are these deductions? Religion is a subject of ridicule, the funeral a burlesque, the landowner a brute, the officer of the law a tyrant, and only one spot of peace could be found for the weary soul, and that was where the sheriff, and the police, and the hand of the law was supposed never to come, a paradise of Communism, where nobody owned anything in separate.

The approach of the fifth column is not unlike the early tactics of the Apostle Paul in spreading the blessings of the Christian faith. He took his believer where he stood and led him from there into his own doctrine. The fifth columnist takes the isolationist and makes use of him as far as he can go. If he can keep American influence at home, then Naziism can conquer the rest of the earth. The fifth columnist approaches the pacifist and tells him that there is nothing worth fighting for. He tells him to forget the words of the great preceptor of Thomas Jefferson, who said:

"Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God!"

This fifth columnist joins himself readily and most insiduously to the industrial laborer and teaches him that his employer is an enemy and an object of hate; that he has a right to strike against his own government when the government doesn't do what he thinks is right. He teaches him to disregard the old American maxim:

"My country, may she always be right, but right or wrong, my country still!"

It seeks such champions as Harry Bridges and Earl Browder to carry the mission of dissatisfaction among those who have real or imaginary wrongs at the hands of their employers.

When I was Lieutenant Governor and presided in this Chamber, my rooms and my offices were headquarters for representatives of labor. Some of the most wholesome measures for the protection of labor and for the safety of employees were drafted by my hand in the Lieutenant Governor's quarters. I am glad to remember those men as patriots, and to know that most of them that are living now are sailing under the banners of the American Federation of Labor, men who, unlike Oscar Ameringer, are not willing to toss all nationalism into the scrap heap, but are willing to stand by you and me and say, "My country."

What is the effect of this great volume of literature, and these speakers of the Oscar Ameringer type? As I entered this building I paused to observe the painting, "The Capture of Santa Anna at San Jacinto," where freedom triumphed over a military dictator. Among the characters whose faces appear in that picture is one whose collateral descendant lately returned from a great university (not a State institution) and grieved his father by disclosing that he had embraced State Socialism and Communism. The greatness of Texas, the wonder of the American Government, is forgotten by him, and he is ready to follow the disciples of Oscar Ameringer, of Karl Marx and Stalin. I can see the tears that came into the eyes of that father when he learned that his son, in whom his hope and ambition centered, had departed from the faith of his fathers.

The effect of this propaganda is not so readily observed by the average man or woman when dosed to the youth of the country, but when you hear them weeping over the loyalists in the late Spanish contest, when you hear them declaring that Socco-Venzetti were judicially murdered, and when you hear them say

the American Constitution is old and antiquated, you know that the fifth column is getting in its work.

I would not have my remarks interpreted as criticizing our institutions of learning. They are yours, and they are mine. We, to use the thought of the Great Philosopher, cannot step out and with one full sweep pull the tares from among the wheat. We must grow them out and teach them out. A man cannot write in his will, when he would disinherit John, "I will and direct that my son John take nothing from my estate, unless he gives his estate to somebody else, so that there is none left for John. Otherwise John comes in for his share. If he would disinherit John, he must will all of his estate to his daughter, Jane, or to others, and leave none for John. We can probably not eradicate subversive thought from our educational system by any bill or measure of this body. We can direct it into different channels. We can put ourselves upon the offensive and by militant organizations like the Boy Scouts for the little fellow and the American Legion with the larger ones, produce the type of men that Sam Houston, John H. Reagan, and James Stephen Hogg would have us to bring forth.

I would like to see a Chair of American Government and History installed in every State School of Texas, where those who are preparing to teach are being tutored. I would make it a part of every teacher's course of study, and there the struggles of our fathers for freedom would be taught. There the background of our system of government would be painted and brought forth. There American history would be taught again to mature minds, and not to those of the lower, intermediate grades alone.

The personnel of these Chairs should be chosen by a select body, one of whom should be recommended by an institution like the American Bar Association, like the American Legion, and like the American Federation of Labor, and then of course by your Governor and your Supreme Court.

We should not stop by forcing this course into the schools, because for some it might seem distasteful, but

it should be made attractive. How many of you have ever enjoyed for a week the Davis Mountains of our own State? How many of you have been to Fort Davis, where clean, cold water bubbles from the ground beneath the palisades of rock of wondrous beauty? How many of you have seen the oak groves and the group of giant sycamores that cluster around these springs? How many of you have seen the rock homes that still stand there, with the barracks and quarters of the soldiers of the early period of our State? How many of you have slept under its delightful climate, where it is not so cool as to give you a cold, but where you can sleep under a blanket every night, just one mile high? I should acquire a spot like that and upon it I would build a school, or a lecture hall, we might call it a Chautauqua, or a school of Americanism, where the best teachers and speakers upon law and government would lecture, and during the summer vacation of the school teachers of Texas I would provide for them a free course, at least every third year, where the beauties of the stories of one's native land would be made to live again in the minds of those that teach the youth. There they might be taught the philosophy of Moses and of Christ, Himself, that man is rewarded according to the deeds done in the body, that he is punished for his evil doings, and blessed for his righteous acts. There they might be taught the words of Jefferson:

"Let us found a government in which there will be no extremely rich and no abjectly poor. Then let us say to every man 'With the gifts God has given you, your brain, your brawn, your energy, work out your own fortunes under a just government and an equal jurisprudence.'"

To the youth I would say in the language of the very wise man:

"My son, hear the instruction of thy father and forsake not the law of thy mother."

And I would let them hear the intonation of that hymn:

"Faith of our fathers, keep our country true and free,
Faith of our fathers, holy faith
we will be true to thee."

(On motion of Mr. Hartzog, the remarks of Judge Davidson in addressing the Joint Session were ordered printed in the Journal.)

SENATE RETIRES

At the conclusion of the address, the Senate at 11:45 o'clock a. m., retired to its Chamber.

HOUSE BILL NO. 152 ON SECOND READING

On motion of Mr. Celaya, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 152.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 152, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds, providing method of paying and securing such bonds, enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds, authorizing proceedings under the Municipal Bankruptcy Act, making this Act cumulative of other laws, providing that it shall take precedence over other laws, general or special, and all charter provisions in conflict or inconsistent herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 152 ON THIRD READING

Mr. Celaya moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 152 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Allen
Allison
Alsup
Avant
Bailey
Bean
Benton

Blankenship
Boone
Brawner
Bray
Bridgers
Brown
Bruhl

Bullock	Lehman
Bundy	Leyendecker
Burkett	Little
Carlton	Lock
Carrington	Love
Cato	Lucas
Celaya	Lyle
Chambers	McAlister
Clark	McCann
Cleveland	McDonald
Coker	McGlasson
Colson, Mrs.	McNamara
Connelly	Manford
Craig	Manning
Crossley	Markle
Crosthwait	Martin
Davis	Matthews
Donald	Mills
Duckett	Montgomery
Dwyer	Moore
Evans	Morgan
Ellis	Morris
Eubank	Morse
Favors	Murray
Ferguson	Pace
Files	Parker
Fitzgerald	Pevehouse
Fuchs	Phillips
Gandy	Price
Goodman	Rampy
Hanna	Reed of Bowie
Hargis	Reed of Dallas
Harris of Dallas	Ridgeway
Harris of Hill	Roark
Heflin	Roberts
Helpinstill	Sallas
Henderson	Senterfitt
Hileman	Sharpe
Hobbs	Simpson
Howington	Skiles
Hoyo	Smith of Bastrop
Huddleston	Spacek
Huffman	Spangler
Hughes	Stanford
Humphrey	Stubbs
Hutchinson	Thornton
Isaacks	Turner
Jones	Vale
Kelly	Walters
Kennedy	Wattner
Kersey	Weatherford
Klingeman	White
Knight	Whitesides
Lansberry	Winfree

Absent

Baker	Hartzog
Burnaman	Kinard
Daniel	Lowry
Deen	McLellan
Dickson of Bexar	Nicholson
Dove	Rhodes
Halsey	Stinson

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

The Speaker then laid House Bill No. 152 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—120

Allen	Hargis
Allison	Harris of Dallas
Alsup	Heflin
Avant	Helpinstill
Bailey	Henderson
Baker	Hileman
Bean	Hobbs
Benton	Howington
Blankenship	Hoyo
Boone	Huddleston
Brawner	Huffman
Bray	Hughes
Bridgers	Hutchinson
Brown	Isaacks
Bruhl	Jones
Bullock	Kelly
Bundy	Kennedy
Burkett	Kersey
Carrington	Kinard
Cato	Klingeman
Celaya	Knight
Chambers	Lansberry
Clark	Lehman
Cleveland	Leyendecker
Coker	Little
Colson, Mrs.	Lock
Connelly	Love
Craig	Lucas
Crossley	Lyle
Crosthwait	McAlister
Davis	McCann
Dickson of Bexar	McGlasson
Dove	McNamara
Dwyer	Manford
Ellis	Manning
Eubank	Markle
Evans	Martin
Favors	Matthews
Ferguson	Mills
Files	Montgomery
Fitzgerald	Moore
Fuchs	Morgan
Gandy	Morris
Goodman	Morse
Halsey	Murray
Hanna	Pace

Parker	Skiles
Pevehouse	Smith of Bastrop
Phillips	Spacek
Price	Spangler
Rampy	Stanford
Reed of Bowie	Thornton
Reed of Dallas	Turner
Ridgeway	Vale
Roark	Walters
Roberts	Wattner
Rhodes	Weatherford
Sallas	White
Senterfitt	Whitesides
Sharpe	Winfree

Absent

Burnaman	Humphrey
Carlton	Lowry
Daniel	McDonald
Deen	McLellan
Donald	Nicholson
Duckett	Stinson
Harris of Hill	Stubbs
Hartzog	

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Simpson
Gilmer	Smith of Atascosa
Hardeman	Taylor
Howard	Voigt

Mr. Celaya moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

**HOUSE BILL NO. 371 ON
SECOND READING**

(By unanimous consent)

On motion of Mr. Smith of Bastrop, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 371.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 371, A bill to be entitled "An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city,

for the purpose of constructing gymnasium, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**HOUSE BILL NO. 371 ON
THIRD READING**

Mr. Smith of Bastrop moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 371 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Allen	Crothwait
Allison	Davis
Alsup	Dickson of Bexar
Avant	Donald
Bailey	Dove
Baker	Dwyer
Bean	Evans
Benton	Ellis
Blankenship	Eubank
Boone	Favors
Brawner	Ferguson
Bray	Files
Bridgers	Fitzgerald
Brown	Gandy
Bruhl	Goodman
Bullock	Hanna
Bundy	Hargis
Burkett	Harris of Dallas
Carlton	Harris of Hill
Carrington	Hartzog
Cato	Helpinstill
Celaya	Henderson
Chambers	Hileman
Clark	Hobbs
Cleveland	Howington
Coker	Hoyo
Colson, Mrs.	Huddleston
Connelly	Huffman
Craig	Hughes

Humphrey	Murray
Isaacks	Pace
Jones	Parker
Kelly	Pevehouse
Kennedy	Phillips
Kersey	Price
Klingeman	Reed of Bowie
Knight	Reed of Dallas
Lansberry	Ridgeway
Lehman	Roark
Leyendecker	Roberts
Little	Rhodes
Lock	Sallas
Love	Senterfitt
Lucas	Sharpe
Lyle	Simpson
McAlister	Skiles
McCann	Smith of Bastrop
McGlasson	Spacek
McNamara	Spangler
Manford	Stanford
Manning	Stubbs
Markle	Thornton
Martin	Vale
Matthews	Walters
Mills	Wattner
Montgomery	Weatherford
Moore	White
Morgan	Whitesides
Morris	Winfree
Morse	

Nays—1

Rampy

Absent

Burnaman	Hutchinson
Crossley	Kinard
Daniel	Lowry
Deen	McDonald
Duckett	McLellan
Fuchs	Nicholson
Halsey	Stinson
Heflin	Turner

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

The Speaker then laid House Bill No. 371 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—116

Allen	Alsup
Allison	Avant

Bailey	Kersey
Baker	Klingeman
Bean	Knight
Benton	Lansberry
Blankenship	Lehman
Boone	Leyendecker
Brawner	Little
Bray	Lock
Bridgers	Love
Brown	Lowry
Bruhl	Lucas
Bundy	Lyle
Burkett	McAlister
Carlton	McCann
Carrington	McGlasson
Cato	McNamara
Celaya	Manford
Chambers	Manning
Clark	Markle
Cleveland	Martin
Coker	Matthews
Colson, Mrs.	Mills
Connelly	Montgomery
Craig	Moore
Crosthwait	Morgan
Davis	Morris
Dickson of Bexar	Morse
Dove	Murray
Dwyer	Pace
Ellis	Pevehouse
Eubank	Phillips
Evans	Price
Favors	Rampy
Ferguson	Reed of Bowie
Files	Reed of Dallas
Fitzgerald	Ridgeway
Gandy	Roark
Goodman	Roberts
Hanna	Rhodes
Hargis	Senterfitt
Harris of Dallas	Sharpe
Harris of Hill	Simpson
Helpinstill	Skiles
Henderson	Smith of Bastrop
Hileman	Spacek
Hobbs	Spangler
Howington	Stanford
Hoyo	Stubbs
Huddleston	Thornton
Huffman	Vale
Hughes	Walters
Humphrey	Wattner
Isaacks	Weatherford
Jones	White
Kelly	Whitesides
Kennedy	Winfree

Absent

Bullock	Donald
Burnaman	Duckett
Crossley	Fuchs
Daniel	Halsey
Deen	Hartzog

Heflin	Nicholson
Hutchinson	Parker
Kinard	Sallas
McDonald	Stinson
McLellan	Turner

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

Mr. Smith of Bastrop moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 146 ON SECOND READING

On motion of Mr. Bean, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 146.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 146, A bill to be entitled "An Act authorizing the Commissioners' Court in all counties in the State of Texas to appropriate from the general fund not more than five (5¢) cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the counties, and providing for an election authorizing such appropriation; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

The bill was read second time and was passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 146 ON THIRD READING

Mr. Bean moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 146 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—93

Allison	Isaacks
Alsup	Kelly
Avant	Kennedy
Baker	Kersey
Bean	Klingeman
Blankenship	Knight
Boone	Lehman
Bridgers	Leyendecker
Bruhl	Little
Bullock	Love
Bundy	Lowry
Burnaman	Lucas
Carlton	Lyle
Carrington	McGlasson
Cato	Manford
Celaya	Manning
Chambers	Markle
Cleveland	Martin
Coker	Mills
Colson, Mrs.	Montgomery
Connelly	Moore
Craig	Morgan
Crossley	Morris
Crosthwait	Morse
Daniel	Pace
Davis	Phillips
Dickson of Bexar	Reed of Dallas
Dove	Roark
Duckett	Roberts
Dwyer	Rhodes
Eubank	Sallas
Favors	Sharpe
Ferguson	Skiles
Files	Smith of Bastrop
Fitzgerald	Spangler
Fuchs	Stanford
Gandy	Stubbs
Halsey	Thornton
Hanna	Turner
Hargis	Vale
Heflin	Walters
Helpinstill	Wattner
Henderson	Weatherford
Hileman	White
Hoyo	Whitesides
Huddleston	Winfree
Huffman	

Nays—28

Bailey	Harris of Hill
Brawner	Hobbs
Bray	Howington
Brown	Hughes
Clark	Jones
Ellis	Lansberry
Goodman	Lock

McAlister	Pevehouse
McCann	Price
McNamara	Rampy
Matthews	Reed of Bowie
Murray	Ridgeway
Nicholson	Senterfitt
Parker	Spacek

Absent

Allen	Humphrey
Benton	Hutchinson
Burkett	Kinard
Deen	McDonald
Donald	McLellan
Evans	Simpson
Harris of Dallas	Stinson
Hartzog	

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

HOUSE BILL NO. 359 ON
SECOND READING

On motion of Mr. Roark, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 359.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 359, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, 45th Legislature, Page 1296, Chapter 482, Section 1, and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 359 was then passed to engrossment.

HOUSE BILL NO. 359 ON
THIRD READING

Mr. Roark moved that the Constitutional Rule requiring bills to be read on three several days be sus-

pended and that House Bill No. 359 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Allison	Howington
Avant	Hoyo
Bailey	Huddleston
Baker	Huffman
Bean	Hughes
Benton	Isaacks
Blankenship	Jones
Boone	Kelly
Brawner	Kennedy
Bray	Kersey
Bridgers	Kinard
Brown	Klingeman
Bruhl	Knight
Bullock	Lansberry
Bundy	Lehman
Burkett	Leyendecker
Burnaman	Little
Carlton	Lock
Carrington	Love
Cato	Lucas
Clark	Lyle
Cleveland	McCann
Coker	McGlasson
Colson, Mrs.	McLellan
Connelly	McNamara
Craig	Manford
Crossley	Manning
Crosthwait	Markle
Daniel	Martin
Davis	Matthews
Dickson of Bexar	Mills
Donald	Montgomery
Dove	Moore
Duckett	Morgan
Dwyer	Morse
Evans	Murray
Ellis	Pace
Eubank	Parker
Favors	Pevehouse
Ferguson	Phillips
Files	Price
Fitzgerald	Rampy
Fuchs	Reed of Bowie
Gandy	Reed of Dallas
Goodman	Ridgeway
Hanna	Roark
Hargis	Roberts
Harris of Dallas	Rhodes
Harris of Hill	Sallas
Heflin	Senterfitt
Helpinstill	Sharpe
Henderson	Skiles
Hileman	Smith of Bastrop
Hobbs	Spacek

Spangler	Walters
Stanford	Wattner
Stinson	Weatherford
Stubbs	White
Thornton	Whitesides
Turner	Winfree
Vale	

Absent

Allen	Hutchinson
Alsup	Lowry
Celaya	McAlister
Chambers	McDonald
Deen	Morris
Halsey	Nicholson
Hartzog	Simpson
Humphrey	

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland.	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

The Speaker then laid House Bill No. 359 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—127

Allison	Connelly
Alsup	Craig
Avant	Crossley
Bailey	Daniel
Baker	Davis
Bean	Dickson of Bexar
Benton	Donald
Blankenship	Dove
Brawner	Duckett
Bray	Dwyer
Bridgers	Evans
Brown	Ellis
Bruhl	Eubank
Bullock	Favors
Bundy	Ferguson
Burkett	Files
Burnaman	Fitzgerald
Carlton	Fuchs
Carrington	Gandy
Cato	Goodman
Celaya	Halsey
Chambers	Hanna
Clark	Hargis
Cleveland	Harris of Dallas
Coker	Harris of Hill
Colson, Mrs.	Heflin

Helpinstill	Montgomery
Henderson	Moore
Hileman	Morgan
Hobbs	Morris
Howington	Morse
Hoyo	Murray
Huddleston	Pace
Huffman	Parker
Hughes	Pevehouse
Humphrey	Phillips
Isaacks	Price
Jones	Rampy
Kelly	Reed of Bowie
Kennedy	Reed of Dallas
Kersey	Ridgeway
Kinard	Roark
Klingeman	Roberts
Knight	Rhodes
Lansberry	Sallas
Lehman	Senterfitt
Leyendecker	Sharpe
Little	Skiles
Lock	Smith of Bastrop
Love	Spacek
Lowry	Spangler
Lucas	Stanford
Lyle	Stinson
McAlister	Stubbs
McCann	Thornton
McGlasson	Turner
McLellan	Vale
McNamara	Walters
Manford	Wattner
Manning	Weatherford
Markle	White
Martin	Whitesides
Matthews	Winfree
Mills	

Absent

Allen	Hutchinson
Boone	McDonald
Crosthwait	Nicholson
Deen	Simpson
Hartzog	

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

Mr. Roark moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

BILLS ORDERED NOT PRINTED

(By unanimous consent.)

On motion of Mr. Dickson of Bexar, House Bill No. 183 was ordered not printed.

On motion of Mr. Cato, Senate Bill No. 90 was ordered not printed.

HOUSE BILL NO. 183 ON
SECOND READING

On motion of Mr. Dickson of Bexar, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 183.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 183, A bill to be entitled "An Act to provide for and regulate the holding of run-off elections in cities and towns having a population in excess of two hundred thousand (200,000) inhabitants, according to the last preceding or any future Federal Census; providing that cities not using voting machines may adopt the preferential type ballot in lieu of the procedure set forth in this Act; repealing all laws, parts of law, charter provisions and ordinances in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 183 ON
THIRD READING

Mr. Dickson of Bexar moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 183 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Allison	Blankenship
Alsup	Boone
Avant	Brawner
Bailey	Bray
Baker	Bridgers
Bean	Brown
Benton	Bruhl

Bullock	Lehman
Bundy	Leyendecker
Burkett	Little
Burnaman	Lock
Carlton	Love
Carrington	Lucas
Cato	Lyle
Celaya	McAlister
Chambers	McCann
Clark	McDonald
Cleveland	McGlasson
Coker	McLellan
Colson, Mrs.	McNamara
Connelly	Manford
Craig	Manning
Crossley	Markle
Crosthwait	Martin
Daniel	Matthews
Davis	Mills
Deen	Montgomery
Dickson of Bexar	Moore
Donald	Morgan
Dove	Morris
Duckett	Morse
Dwyer	Murray
Ellis	Pace
Eubank	Parker
Favors	Pevehouse
Ferguson	Phillips
Fitzgerald	Price
Fuchs	Rampy
Gandy	Reed of Bowie
Goodman	Reed of Dallas
Hargis	Ridgeway
Harris of Dallas	Roark
Harris of Hill	Roberts
Heflin	Rhodes
Helpinstill	Sallas
Henderson	Senterfitt
Hileman	Sharpe
Hobbs	Simpson
Howington	Skiles
Hoyo	Smith of Bastrop
Huddleston	Spacek
Huffman	Spangler
Hughes	Stanford
Humphrey	Stubbs
Hutchinson	Thornton
Isaacks	Turner
Jones	Vale
Kelly	Walters
Kennedy	Wattner
Kersey	Weatherford
Kinard	White
Klingeman	Whitesides
Knight	Winfree
Lansberry	

Absent

Allen	Halsey
Evans	Hanna
Files	Hartzog

Lowry
Nicholson

Stinson

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

The Speaker then laid House Bill No. 183 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—124

Allison	Fuchs
Alsup	Gandy
Avant	Goodman
Bailey	Hanna
Baker	Hargis
Bean	Harris of Dallas
Benton	Harris of Hill
Blankenship	Hartzog
Boone	Heflin
Brawner	Helpinstill
Bray	Henderson
Bridgers	Hileman
Brown	Hobbs
Bruhl	Howington
Bullock	Hoyo
Bundy	Huddleston
Burkett	Huffman
Burnaman	Hughes
Carlton	Humphrey
Carrington	Hutchinson
Cato	Isaacks
Celaya	Jones
Chambers	Kelly
Clark	Kennedy
Cleveland	Kersey
Coker	Kinard
Colson, Mrs.	Klingeman
Connelly	Knight
Craig	Lansberry
Crossley	Lehman
Crosthwait	Leyendecker
Daniel	Little
Davis	Lock
Dickson of Bexar	Love
Donald	Lowry
Dove	Lucas
Duckett	Lyle
Dwyer	McAlister
Ellis	McCann
Eubank	McDonald
Favors	McGlasson
Ferguson	McLellan
Fitzgerald	McNamara

Manford	Rhodes
Manning	Sallas
Markle	Senterfitt
Martin	Sharpe
Matthews	Simpson
Montgomery	Smith of Bastrop
Moore	Spacek
Morgan	Spangler
Morris	Stanford
Morse	Stubbs
Murray	Thornton
Pace	Turner
Parker	Vale
Pevehouse	Walters
Price	Wattner
Reed of Bowie	Weatherford
Reed of Dallas	White
Ridgeway	Whitesides
Roark	Winfree
Roberts	

Present—Not Voting

Rampy

Absent

Allen	Mills
Deen	Nicholson
Evans	Phillips
Files	Skiles
Halsey	Stinson

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt
Howard	

Mr. Dwyer moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 146 ON THIRD READING

Mr. Bean moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Allen	Avant
Allison	Baker
Alsup	Bean

Benton	Kersey
Blankenship	Kinard
Boone	King
Bridgers	Klingeman
Brown	Knight
Bruhl	Lehman
Bullock	Leyendecker
Bundy	Little
Burkett	Lock
Burnaman	Love
Carlton	Lowry
Carrington	Lucas
Cato	Lyle
Celaya	McCann
Chambers	McDonald
Clark	McGlasson
Cleveland	McLellan
Coker	McNamara
Colson, Mrs.	Manford
Connelly	Manning
Craig	Markle
Crossley	Martin
Crothwait	Matthews
Daniel	Mills
Davis	Montgomery
Deen	Moore
Donald	Morgan
Dove	Morris
Duckett	Morse
Dwyer	Pace
Evans	Phillips
Eubank	Price
Favors	Reed of Dallas
Ferguson	Ridgeway
Files	Roark
Fitzgerald	Roberts
Gandy	Rhodes
Goodman	Sallas
Halsey	Senterfitt
Hanna	Sharpe
Hargis	Simpson
Harris of Dallas	Skiles
Hartzog	Smith of Bastrop
Heflin	Spacek
Helpinstill	Spangler
Henderson	Stanford
Hileman	Stubbs
Hobbs	Thornton
Hoyo	Turner
Huddleston	Vale
Huffman	Walters
Hutchinson	Wattner
Isaacks	Weatherford
Jones	White
Kelly	Whitesides
Kennedy	Winfree

Nays—13

Bailey	Howington
Brawner	Hughes
Bray	Lansberry
Ellis	McAlister
Harris of Hill	Murray

Parker	Reed of Bowie
Rampy	

Absent

Dickson of Bexar	Nicholson
Fuchs	Pevehouse
Humphrey	Stinson

Absent—Excused

Anderson	Howard
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hardeman	Voigt

The Speaker then laid House Bill No. 146 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—103

Allison	Hanna
Alsup	Hargis
Avant	Harris of Dallas
Baker	Heflin
Bean	Helpinstill
Benton	Henderson
Blankenship	Hileman
Boone	Hoyo
Bridgers	Huddleston
Bruhl	Huffman
Bullock	Hutchinson
Burkett	Isaacks
Burnaman	Kelly
Carlton	Kennedy
Carrington	Kersey
Cato	Klingeman
Chambers	Knight
Cleveland	Lehman
Colson, Mrs.	Leyendecker
Connelly	Little
Crossley	Lock
Crothwait	Love
Daniel	Lowry
Davis	Lucas
Deen	Lyle
Dickson of Bexar	McCann
Dove	McDonald
Duckett	McGlasson
Dwyer	McLellan
Evans	McNamara
Eubank	Manford
Favors	Manning
Ferguson	Markle
Files	Martin
Fitzgerald	Mills
Fuchs	Montgomery
Gandy	Moore
Goodman	Morgan
Halsey	Morris

Morse	Spangler
Pace	Stanford
Phillips	Stubbs
Reed of Dallas	Thornton
Ridgeway	Turner
Roark	Vale
Roberts	Walters
Rhodes	Wattner
Sallas	Weatherford
Simpson	White
Skiles	Whitesides
Smith of Bastrop	Winfree
Spacek	

Nays—25

Allen	Jones
Bailey	Lansberry
Brawner	McAlister
Bray	Matthews
Brown	Murray
Clark	Parker
Coker	Pevehouse
Donald	Price
Ellis	Rampy
Harris of Hill	Reed of Bowie
Hobbs	Senterfitt
Howington	Sharpe
Hughes	

Present—Not Voting

Craig

Absent

Bundy	Kinard
Celaya	Nicholson
Hartzog	Stinson
Humphrey	

Absent—Excused

Anderson	King
Bell	McMurry
Dickson of Nolan	Shell
Garland	Smith of Atascosa
Gilmer	Taylor
Hildeman	Voigt
Howard	

Mr. Bean moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

ADDITIONAL SIGNER OF HOUSE BILLS

By unanimous consent of the House, the following Member was authorized to sign bills as coauthor of same, as follows:

Mr. Hileman: House Bills Nos. 209 and 373.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 4, "An Act repealing all local or special laws regulating the taking, possession, or sale of fur bearing animals in so far as they apply to Panola County, Texas; and declaring an emergency."

H. B. No. 12, "An Act repealing H. B. No. 26 of the Acts of the Regular Session of the Forty-fourth Legislature; and declaring an emergency."

H. B. No. 306, "An Act providing an open season for doves in Lamar County, and declaring an emergency."

H. B. No. 109, "An Act to amend Article 2955 of the Revised Statutes of the State of Texas, 1925, relating to qualifications to vote."

H. B. No. 212, "An Act providing for a closed season on the taking of wild deer for a period of five years in the Counties of Motley, Floyd, Briscoe, Cottle, Hall, Childress, Dickens, Borden, Stonewall, Garza, Kent and Scurry; repealing all laws insofar as they conflict with this Act; providing for a suitable penalty; and declaring an emergency."

H. B. No. 318, "An Act amending Article 2831 of the Revised Civil Statutes of the State of Texas by adding a new section to be known as Article 2831A, and providing for certain school fund balances not expended for the current year to be placed in the School Equalization Fund in certain counties in Texas having a population of not less than 390,000 and not more than 500,000 according to the last preceding Federal census, repealing all parts of laws in conflict and declaring an emergency."

H. B. No. 165, "An Act granting to the City of Corpus Christi, Texas, all right, title and interest of the State of Texas to certain land hitherto submerged by the waters of Corpus Christi Bay; ratifying and confirming exchanges and conveyances

of property within the area of certain private owners; reserving the minerals unto the State; declaring that the Act shall be cumulative of former grants and authorities; and declaring an emergency."

H. B. No. 97, "An Act authorizing navigation districts created under any of the provisions of the Constitution or laws of this State in addition to the powers heretofore conferred by law to acquire, extend, construct, repair, build, develop and maintain certain improvements in aid of deep water navigation without taxation and to borrow money therefor from the Federal Government or any other source and to issue and deliver evidences of such indebtedness payable only out of the net revenues of the district and to encumber any of the properties and facilities and revenues of the district including those for which the funds are borrowed, all as additional security, providing remedies in case of default, to grant to the purchaser of said properties at foreclosure sale a franchise under stipulated terms and for not more than twenty years, and to enter into all necessary agreements to carry out the provisions hereof, providing that this Act shall not be construed as repealing any other laws of this State applicable to the subject matter hereof, providing for methods of procedure in creating the indebtedness and encumbering the properties to secure the same; and declaring an emergency."

H. B. No. 216, "An Act amending Section 1 of Article 1269h, R. C. S. of Texas, by removing certain restrictions on the number of acres of land which may be owned by cities and counties for airport purposes; and declaring an emergency."

H. B. No. 141, "An Act making it unlawful to kill or attempt to kill deer, bear, fox, or wild turkey or trap or molest same in Liberty County for a period of five years; providing a penalty; repealing all conflicting laws and declaring an emergency."

H. B. No. 142, "An Act making it unlawful to kill or attempt to kill bear, fox or wild turkey or molest same in Hardin County for a period of five years; providing a penalty;

repealing all conflicting laws and declaring an emergency."

H. B. No. 422, "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 23, "An Act making an appropriation for the purpose of removing the remains of Captain William A. Logan, and/or erecting a monument at the grave of said Texas patriot; providing for the right of private donation to participate in the expense; and declaring an emergency."

H. B. No. 138, "An Act repealing House Bills numbered 945 and 946, enacted by the 46th Legislature of the State of Texas, pertaining to hunting and trapping on inclosed or uninclosed land of another in counties having a population of not less than fifteen thousand one hundred forty-nine (15,149) and not more than fifteen thousand three hundred (15,300) inhabitants according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 217, "An Act declaring it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Stephens and Palo Pinto Counties for a period of four (4) years from and after the passage of this Act; providing a penalty therefor; providing for the protection of crops, pastures and gardens being destroyed by deer; and declaring an emergency."

(Mr. Love in the Chair.)

ADJOURNMENT

Mr. Ferguson moved that the House recess until 2:30 o'clock p. m. today.

Mr. Kersey moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed, and the House accordingly at 12:35

o'clock p. m. adjourned until 10:00
o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills as follows:

Counties: H. B. Nos. 529.

Military Affairs: S. B. No. 90.

Game and Fisheries: H. B. No. 473.

Privileges, Suffrage and Elections: H. B. No. 183.

Municipal and Private Corporations: H. B. No. 521.

Education: H. B. No. 370.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 52, Asking that the Senators and Congressmen from the State of Texas use their influence in Washington to impress upon the National Board of Flood Control the urgent need of dredging the channel at Waco, Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 138, "An Act repealing House Bills No. 945 and No. 946, enacted by the Forty-sixth Legislature of the State of Texas, pertaining to hunting and trapping on inclosed or uninclused land of another in counties having a population of

not less than fifteen thousand, one hundred and forty-nine (15,149) and not more than fifteen thousand, three hundred (15,300) inhabitants, according to the last preceding Federal Census; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 109, "An Act to amend Article 2955 of the Revised Civil Statutes of the State of Texas, 1925, relating to qualifications to vote; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 165, "An Act granting to the City of Corpus Christi, Texas, all right, title, and interest of the State of Texas to certain land hitherto submerged by the waters of Corpus Christi Bay; ratifying and confirming exchanges and conveyances of property within the area to certain private owners; reserving the minerals unto the State; declaring that the Act shall be cumulative of former grants and authorities; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 212, "An Act providing for a closed season on the taking of wild deer for a period of five (5) years in the Counties of Motley,

Floyd, Briscoe, Cottle, Hall, Childress, Dickens, Borden, Stonewall, Garza, Kent, and Scurry; repealing all laws in so far as they conflict with this Act; providing for a suitable penalty; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 306, "An Act providing an open season for doves in Lamar and Red River Counties; repealing any provision of law in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 318, "An Act amending Article 2831 of the Revised Civil Statutes of the State of Texas by adding a new section to be known as Article 2831a, and providing for certain school fund balances not expended for the current year to be placed in the School Equalization Fund in certain counties in Texas having a population of not less than three hundred and ninety thousand (390,000) and not more than five hundred thousand (500,000) according to the last preceding Federal Census; repealing all laws and parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 97, A bill to be entitled "An Act authorizing navigation districts created under any of the provisions of the Constitution or Laws of this State in addition to the powers heretofore conferred by law to acquire, extend, construct, repair, build, develop, and maintain certain improvements in aid to deep water navigation without taxation; and to borrow money therefor from the Federal Government for any other source; and to issue and deliver evidences of such indebtedness payable only out of the net revenues of the district; and to encumber any of the properties and facilities and revenues of the district including those for which the funds are borrowed, all as additional security; providing remedies in case of default; granting to the purchaser of said properties at foreclosure sale a franchise under stipulated terms and for not more than twenty (20) years; and to enter into all necessary agreements to carry out the provisions hereof; providing a method of temporary financing for current expenses; providing that the provisions of Articles 8240, 8241, 8242, and 8243, Revised Statutes of 1925, shall not apply to franchise granted under this Act; providing that this Act shall not be construed as repealing any other laws of this State applicable to the subject matter hereof; providing for methods of procedure in creating the indebtedness and encumbering the properties to secure the same; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 216, An Act amending Section 1 of House Bill No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, by removing certain restrictions on the number of acres of land which may be owned by cities and counties, or leased to the Federal Government, for airport purposes; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 141, "An Act making it unlawful to kill or attempt to kill deer, bear, box, or wild turkey or trap or molest same in Liberty County for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 142, "An Act making it unlawful to kill or attempt to kill bear, fox, or wild turkey, or molest same in Hardin County for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 217, "An Act declaring it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Stephens and Palo Pinto Counties for a period of four (4) years from and after the passage of this Act; providing a penalty therefor; providing for the protection of crops, pastures, and gardens being destroyed by deer; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 4, "An Act repealing all local or special laws regulating the taking, possession, or sale of furbearing animals in so far as they apply to Panola County, Texas; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 23, "An Act making an appropriation of Four Hundred Dollars (\$400) for the purpose of removing the remains of Captain William M. Logan, and/or erecting a monument at the grave of said Texas patriot; providing for the right of private donation to participate in the expense; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 12, "An Act repealing House Bill No. 26 of the Acts of the Regular Session of the Forty-fourth Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 422, "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

THIRTY-FIRST DAY

(Tuesday, March 4, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Crosthwait
Allen	Daniel
Allison	Davis
Alsup	Deen
Anderson	Dickson of Bexar
Avant	Dickson of Nolan
Bailey	Donald
Baker	Dove
Bean	Duckett
Bell	Dwyer
Benton	Evans
Blankenship	Ellis
Boone	Eubank
Brawner	Favors
Bray	Ferguson
Bridgers	Files
Brown	Fitzgerald
Bruhl	Fuchs
Bullock	Gandy
Bundy	Garland
Burnaman	Gilmer
Carlton	Goodman
Carrington	Halsey
Cato	Hanna
Celaya	Hargis
Chambers	Harris of Dallas
Clark	Harris of Hill
Cleveland	Hartzog
Coker	Heflin
Colson, Mrs.	Helpinstill
Connelly	Henderson
Craig	Hileman
Crossley	Hobbs

Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Hutchinson
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore

Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent—Excused

Burkett
Hardeman
Turner

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, Thou hast remembered us in mercy, and hast greatly blessed us in Thy loving kindness. May we know that Thou art God, and beside Thee there is none other. From Thine own unwasted fullness give us clearness of vision and breadth of understanding to meet worthily the matchless opportunities that are ours just now. In Christ's name. Amen."